The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

½ red mor full size

½

JOURNAL

OF THE

RECONSTRUCTION CONVENTION,

WHICH MET AT

LIBRARY OF CONGRESS
U. S. A.
CITY OF WASHINGTON.

AUSTIN, TEXAS, JUNE 1, A. D., 1868.
Constitutional convention

AUSTIN, TEXAS:
TRACY, SIEMERING & CO., *Printers.*
1870.

JK4[illegible]
1[illegible] .A25

JOURNAL

OF THE

RECONSTRUCTION CONVENTION,

STATE OF TEXAS.

CAPITOL, AUSTIN, TEXAS,
MONDAY, JUNE 1, 1868.

At 3:30 o'clock, the Reconstruction Convention of the State of Texas was called to order by electing Mr. T. W. Whitmore, of Smith county, temporary Chairman; and Mr. J. P. Newcomb, of Bexar, temporary Secretary.

Mr. A. J. Hamilton, of Travis, moved that the Convention go into an election for permanent officers of the Convention.

Mr. M. C. Hamilton, of Bastrop, suggested that it would be right and proper to inform the Commanding General of the presence and temporary organization of the Convention, before proceeding further.

Discussed, but no action taken upon the suggestion.

Roll called, seventy-eight delegates answering.

Mr. A. J. Hamilton, of Travis, insisted upon his previous motion, which was put to the House and carried.

Mr. M. C. Hamilton, of Bastrop, put in nomination for the position of President of the Convention, Mr. E. J. Davis, of Nueces county.

Mr. A. J. Hamilton, of Travis county, put in nomination Mr. C. Caldwell, of Bowie county.

The vote was taken by bollot, the Chair appointing Mr. E. Degener, Mr. A. J. Evans and Mr. N. V. Board as tellers.

Result on first ballot:

Davis forty-three; Caldwell thirty-three; Scattering three.

General E. J. Davis having received a majority of all the votes cast, was declared by the Chair elected President of the Reconstruction Convention.

The Chair appointed Messrs. Caldwell, Hamilton, of Bastrop; and Monroe, as a committee to conduct the President elect to the Chair.

Upon taking his seat President Davis thanked the Convention for the honor conferred upon him.

The election of Secretary being next in order, a motion to vote *viva voce* was lost.

Mr. Degener nominated G. W. Paschal, jr.; Mr. Whitmore nominated W. V. Tunstall; and Mr. Hunt nominated J. B. Cassidy; for Secretary of the Convention.

The President appointed Messrs. E. Degener, S. M. Johnson, of Jackson; and Talbot, tellers.

Result on first ballot:

Tunstall forty-three; Paschal thirty-one; Cassidy four; Blank two.

Mr. Tunstall having received a majority of all the votes cast, was duly elected permanent Secretary of the Convention.

Motion to adjourn until to-morrow morning at 8 o'clock.

Carried.

CAPITOL, AUSTIN, TEXAS
JUNE 2, 1868.

Convention met pursuant to adjournment. Journal of yesterday read and adopted.

The President announced that the business first in order was the election of First Assistant Secretary.

Mr. Whitmore put in nomination Mr. Houston Terrill.

Mr. Flanagan nominated Mr. N. W. Hunter.

Mr. M. C. Hamilton nominated Mr. A. J. Bennett.

Mr. Smith nominated Mr. J. J. Hamilton.

On telling the ballot it appeared Mr. Bennett received forty-seven votes; Mr. Terrill ten votes; Mr. Hunter ten votes; and Mr. Hamilton eight votes.

Mr. Bennett having received a majority of all the votes cast, was declared duly elected First Assistant Secretary.

Mr. Newcomb moved that the Convention proceed at once to the election of a Second Assistant Secretary, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Second Assistant Sergeant-at-Arms, Doorkeeper and two Assistants; Engrossing and Enrolling Clerks.

Carried.

The President appointed Messrs. Vaughan, Hunt and McCormick, tellers.

For Second Assistant Secretary, Mr. Smith nominated Mr. J. J. Hamilton.

Mr. Burnett nominated Mr. H. G. McDaniel.

Mr. Ruby nominated Mr. H. B. Taylor.

Mr. Butler nominated Mr. A. B. Coggsall.

Mr. Glenn nominated Mr. N. W. Hunter.

On counting the ballot it appeared that Mr. Taylor had received thirty-seven votes; Mr. J. J. Hamilton received ten votes; Mr. McDaniel received eleven votes; Mr. Coggsall received seven votes; N. W. Hunter received twelve votes.

There being no election the Convention proceeded to a second ballot.

On the second ballot Mr. Taylor received forty-five votes; Mr. Hamilton received nine votes; Mr. McDaniel received eight votes; Mr. Coggsall received four votes; and Mr. Hunter received thirteen votes.

Mr. Taylor having received a majority of all the votes cast, was declared duly elected Second Assistant Secretary.

The election of Sergeant-at-Arms being next in order, Mr. Patton nominated Mr. Thomas Ford.

Mr. Ruby nominated Mr. E. Wilkinson.

Mr. Constant nominated Mr. W. H. Graham.

Mr. Hunt nominated Mr. J. Read.

Mr. Vaughan nominated Mr. S. E. McFarland.

Mr. Talbot nominated Mr. W. C. Talbot.

Mr. Slaughter nominated Mr. W. Hammitt.

Mr. McCormick offered the following resolution:

Resolved, That the Convention proceed to the selection of two Messengers.

Mr. Lindsay moved to amend by adding two Porters.

Resolution and amendment withdrawn by consent.

On the first ballot for Sergeant-at-Arms, Mr. Ford received seventeen votes; Mr. Wilkinson received fifteen votes; Mr. Graham received twenty-nine votes; Mr. Read received five votes; Mr. McFarland received three votes; Mr. Routledge received five votes; Mr. Hammitt received five votes; and Mr. Armstrong one vote.

There being no election the Convention proceeded to a second ballot.

On the second ballot Mr. Ford received twenty votes; Mr. Wilkinson received eighteen votes; Mr. Graham thirty-seven votes; Mr. Read two votes; Mr. McFarland one vote; Mr. Routledge one vote; and Mr. Hammitt one vote.

There being no election the Convention proceeded to a third ballot.

Mr. Degener moved that the President appoint five Messengers to receive the ballot.

Mr. Lindsey moved to amend by including two Porters.

Motion moved out of order under the present rule.

On the third ballot, Mr. Ford received twenty-six votes; Mr. Wilkinson received five votes; Mr. Graham forty-five votes; Mr. Routledge two votes; and Mr. Hammitt one vote.

Mr. Graham having received the majority of all the votes cast, was declared duly elected Sergeant-at-Arms of the Convention.

Mr. Degener moved that the President appoint five Messengers and two Porters.

Carried.

The President appointed Messrs. J. J. Hamilton, S. Hardwell, Washington Norton, James Haynes and Robert Schieffer, as Messengers, and Joshua Johnson and E. S. Wilkinson as Porters.

Nominations for Assistant Sergeant-at-Arms being next in order,

Mr. M. C. Hamilton nominated Mr. H. Willis.

Mr. Smith nominated Mr. S. McKee.

Mr. Flanagan nominated Mr. J. K. Williams.

Mr. A. J. Hamilton nominated Mr. H. B. Tichworth.

On telling the ballot it appeared Mr. Willis received twenty-six votes; Mr. McKee received thirty votes; Mr. Williams received twenty-eight votes.

There being no election the Convention proceeded to a second ballot.

On the second ballot Mr. Willis received twenty-three votes; Mr. McKee received twenty-eight votes; and Mr. Williams received twenty-five votes.

There being no election the Convention proceeded to a third ballot.

On the third ballot Mr. Willis received twenty-four votes; Mr. McKee received twenty-six votes; and Mr. Williams twenty-nine votes

Mr. Thomas offered the following resolution:

Resolved, That hereafter in all elections the candidate receiving the plurality of the vote cast be elected.

Carried.

There being no election the Convention proceeded to a fourth ballot.

On the fourth ballot Mr. Willis received twenty-four votes; Mr. McKee received twenty-five votes; and Mr. Williams received twenty-eight votes.

Mr. Williams having received a plurality of the vote of the Convention, was declared duly elected Assistant Sergeant-at-Arms of the Convention.

Nominations being in order for second Assistant Sergeant-at-Arms,

Mr. Ruby nominated Mr. E. S. Wilkinson.

Mr. M. C. Hamilton nominated Mr. H. Willis.

Mr. R. K. Smith nominated Mr. S. McKee.

On telling the ballot it appeared that Mr. Wilkinson received ten votes; Mr. Willis thirty-one votes; and Mr. McKee thirty-one votes.

There being no election the Convention proceeded to a second ballot.

On the second ballot Mr. Wilkinson received one vote; Mr. Willis thirty-eight votes; and Mr. McKee thirty-three votes.

Mr. Willis having received a plurality vote, was duly announced elected second Assistant Sergeant.at-Arms.

On motion of Mr. Wright, the Convention adjourned until 3:30 o'clock.

Carried.

HALF-PAST THREE O'CLOCK.

Pursuant to adjournment Convention met. Roll called. Quorum present.

Nominations for Door-keeper being first in order,

Mr. Fayle nominated Mr. McKee.

Mr. Newcomb nominated Mr. W Preece.

Mr. Parnell nominated Mr. J. Mangum.

Mr. Patton nominated Mr, J. Welch.

Mr. M. C. Hamilton nominated Mr. L. Greene.

Mr. Summer nominated J. A. Asbury.

Mr. Lippard nominated Mr. M. Hinds.

On telling the ballot it appeared Mr. Preece had received forty-two votes; Mr. Mangam received three votes; Mr. Welch received eight votes; Mr. Green received four votes; Mr. Asbury nine votes; Mr. Hinds four votes; Mr. McKee five votes.

Mr. Preece receiving the plurality of the vote of the Convention, was duly elected Door-keeper.

Nominations being in order for Assistant Door-keeper,

Mr. A. J. Hamilton nominated Mr. S. McKee.

Mr. Caldwell nominated Mr. L. Chambers.

Mr. M. C. Hamilton nominated Mr. H. Madison.

Mr. Scott nominated Mr. J. L. Nicholas.

On telling the ballot Mr. McKee received sixty votes; Mr. L. Chambers one vote; Mr. H. Madison six votes; Mr. J. L. Nichols seven votes; and Mr. L. Green one vote.

Mr. McKee having received a plurality of votes, was declared duly elected Assistant Door-keeper.

Nominations for second Assistant Door-keeper being in order,

Mr. Patton nominated Mr. S. E. McFarland.

Mr. Williams nominated Mr. L. Green.

Mr. Stockbridge nominated Mr. J. Welch.

Mr. Smith nominated Mr. L. Chambers.

Mr. Lippard nominated Mr. M. Hinds.

Mr. Bellinger nominated Mr. H. Madison.

On telling the ballot Mr. McFarland received seven votes; Mr. Green received seventeen votes; Mr. Welch received fifteen votes; Mr. Chambers received seventeen votes; Mr. Hinds received twelve votes; Mr. Madison received six votes; Mr. Jones one vote; and Mr. Williams one vote.

Mr. Wright moved that the office of Assistant Door-keeper be dispensed with.

The yeas and nays being ordered, stood thus:

Yeas—Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harn, Hunt, Johnson of Jackson, Kealy, Kendal, Keuchler, Kirk, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Mullins, Mundine, Munroe, Newcomb, Oaks, Patton, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schultze, Scott, Slaughter, Sorrel, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—68.

Nays—Bellinger, Butler, Coleman, Davis, Johnson of Harrison, Lindsay, Long, Ruby, Smith of Galveston, Smith of Marion—10.

Carried.

Mr. Evans, of McLennan, offered the following resolution:

Resolved, That so much of the resolution this day passed as relates to the election of Engrossing and Enrolling Clerks be re-considered.

Lost.

Nominations for Engrossing Clerk being then in order,

Mr. Monroe nominated Mr. George Armstrong.

Mr. Phillips nominated Mr. Robert McFarland.

Mr. Smith nominated Mr. J. J. Hamilton.

On telling the ballot it appeared Mr. Hamilton received six votes; Mr. McFarland received twenty-seven votes; and Mr. Armstrong received forty-four votes.

Mr. Armstrong having received a plurality of the votes cast, was declared duly elected Engrossing Clerk.

Nominations for Enrolling Clerk being next in order,

Mr. Harn nominated Mr. J. M. Buffington.

Mr. Ruby nominated Mr. Max Mobius.

Mr. Smith nominated Mr. J. H. Morris.

Mr. Slaughter nominated Mr. Terrill.

On telling the ballot it appeared that Mr. Buffington received twenty-one votes; Mr. Mobius received forty-five votes; Mr. Morris received ten votes; Mr. Terrill received three votes.

Mr. Mobius having received a plurality of the votes cast, was declared duly elected.

Mr. A. J. Hamilton, of Travis, offered the following resolution:

Resolved, That the President appoint a committee of five to wait upon Major-Gen. Reynolds and Governor E. M. Pease, and inform them that the Convention is now organized, and are ready to receive from them, or either of them, any communication which they, or either of them, may think proper to make.

Adopted.

The President then appointed the following Committee to wait on Major-Gen. Reynolds and Governor E. M. Pease:

Mr. A. J. Hamilton, of Travis, Mr. J. E. Flanagan, Mr. A. J. Evans, of McLennan, and Mr. Wm. Varnell.

Mr. L. Lindsay offered the following resolution:

Resolved, That this Convention, in conformity with the usages of the Nation and of the American States, proceed to the election of a Chaplain, to open the sessions of this body with prayer.

Adopted.

Nominations for Chaplain being next in order,

Mr. A. J. Hamilton, of Travis, nominated Rev. Mr. Renick.

Mr. M. C. Hamilton, of Bastrop, nominated Rev. Mr. Fontaine.

Mr. McCormick nominated Rev. Mr. Edwards.

On telling the ballot it appeared that Rev. Mr. Renick received forty-one votes; Rev. Mr. Fontaine received seventeen votes; Rev. Mr. Edwards received thirteen votes; Mr. Shelly received one vote.

Rev. Mr. Renick having received a plurality of the votes cast, was declared duly elected Chaplain of the Convention.

Mr. Armstrong, of Lamar, offered the following resolution:

Resolved, That the rules adopted by the Convention of 1866 be adopted by this Convention for its government; and that ninety copies of said rules be ordered to be printed for the use of this Convention.

Mr. Evans, of McLennan, offered the following amendment:

Resolved, that the President appoint three members of this body to report rules for its government, and to report said rules in the morning.

Resolution as amended was adopted.

The President appointed Messrs. Evans, Armstrong of Lamar, and Lindsey, as Committee on Rules.

On motion of Mr. Sumner, of Grayson, the Convention adjourned till 10 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JUNE 3, 1868.

The Convention met, pursuant to adjournment.

Roll called. Quorum present. Prayer by Chaplain. Journal of yesterday read, amended and adopted.

Mr. Patton offered the following resolution:

Resolved, That the Sergeant-at-Arms forthwith arrange the desks and seats in this hall, and with the Secretary, number the same, and have them drawn for by the members.

Mr. Armstrong, of Lamar, offered the following substitute:

Resolved, That the seats in the Convention be numbered and drawn for, under the direction of the President, at 11 o'clock to-day.

The substitute was adopted.

Mr. Hamilton, of Travis, chairman of a special committee appointed to wait upon Major-General Reynolds and Governor E. M. Pease, and inform them that the Convention had completed its organization and would be pleased to receive from them, or either of them, any communication they might think proper to report to the Convention, that the duty assigned the committee had been performed.

Mr. Evans, of McLennan, offered the following resolution:

Resolved, That the rules and regulations of the House of Representatives of Texas being substantially the same, the organization of the State government in 1845, as far as is possible, be accepted as rules for the government of this Convention, until the Committee on Rules and Regulations can report.

Adopted.

At the request of the committee appointed to report rules for the government of the Convention, the time for making said report was extended until to-morrow morning.

Mr. Caldwell offered the following resolution:

Resolved, That the President appoint a committee of three to confer with and inquire into the propriety of securing the services of a reporter, to report the proceedings and debates of the Convention.

Adopted.

The President appointed Mr. Caldwell, Mr. Varnell, and Mr. Fayle.

Mr. Caldwell moved to add to the committee Mr. Newcomb, of Bexar, and Mr. Thomas, of Collin.

Carried.

Mr. Ruby introduced the following resolution:

Resolved, That the following select committees, to consist of five members each, be appointed for the purpose of having submitted to them respectively the following subjects for the consideration of the Convention:

First—The subject of Legislation.
Second—The subject of the Judiciary.
Third—The subject of the Executive Department.
Fourth—The subject of Election and Suffrage.
Fifth—The subject of a Bill of Rights.
Sixth—The subject of corporations and privileges.
Seventh—The subject of Science, of Learning, Education and Science
Eighth—The subject of the Militia.
Ninth—The subject of Public Highways, by land and water.
Tenth—The subject of Internal Improvements.
Eleventh—The subject of Constitutional Amendments.

Mr. Burnett offered the following substitute:

Resolved, That the President of this Convention appoint the following standing committees, to wit:

First—On the Condition of the State.
Second—On the Executive Department.
Third—On the Legislative Department.
Fourth—On the Judiciary.
Fifth—On the General Provisions of the Constitution.
Sixth—On Franchise.
Seventh—On Education.
Eighth—On Finance.
Ninth—On Immigration and Internal Improvements.
Tenth—On Privileges and Elections.
Eleventh—On Printing and Contingent Expenses.
Twelfth—On Enrolled and Engrossed Ordinances.

Said committees to be composed of nine members each, except the Committee on Printing and Contingent Expenses, which shall be composed of five members.

Mr. Lindsey moved to lay the resolution and substitute on the table until the Committee on Rules had reported.

Carried.

The hour having arrived for the distribution of seats, the members of the Convention proceeded to draw for them, under the direction of the President.

The President announced the reception of a message from his Excellency E. M. Pease, accompanied by a communication requesting that his private secretary, Mr. McRea, be permitted to read said message to the Convention.

The permission asked for was granted, and Mr. McRea read the following message:

GENTLEMEN OF THE CONVENTION:

I extend to you a cordial welcome to the Capitol, and assure you that the officers of the Provisional Government are anxious to afford you every facility for the discharge of the great duty for which you have been elected—of establishing a constitution and a civil government for Texas, loyal to the Union.

The situation of the Provisional Government has been, and must continue to be, one of extreme difficulty and embarrassment. This was foreseen by me when I accepted my present position; but I could not decline it without seeming to be unwilling to aid in giving effect to what are known as the reconstruction laws. I knew that my appointment was distasteful to a large majority of the people of Texas who had participated in the rebellion, and who had heretofore exercised the political power of the State. But the emancipation and enfranchisement of our colored population had infused a new element into the body politic, who are hereafter to exercise political rights; and I believed that this class, with the loyal whites, would, as the result has shown, constitute a majority of the voting population, and to whom, I had reason to believe, my appointment would not be unacceptable.

The powers vested in the officers of the Provisional Government are exercised in subordination to the Commander of the Fifth Military District; and without his co-operation and assistance, all their efforts to execute the laws and preserve the public peace can avail but little. I regret to say that, in some instances, this co-operation and assistance have been withheld, and the acts of the provisional officers have been misrepresented and their recommendations disregarded. A knowledge of these facts has so emboldened and encouraged those who are disposed to disregard the laws that, in many instances, sheriffs have reported to this office that they were unable to obtain the aid of citizens to make arrests, because they feared personal violence from the parties and their friends.

It is due to the present Commander of the Fifth Military District that I should say, in this connection, that he has manifested a disposition to enforce the laws, and I am hopeful of improvement in this regard under his administration.

It affords me pleasure to state that the officers who have been in command of the District of Texas have at all times cordially sustained my recommendations, and rendered every assistance in their power in the execution of the laws; but their powers have been very limited.

It is not the part of wisdom to disguise from ourselves the true situation of affairs. Crime was never as prevalent in Texas as it is at this time. Since the first of December last, authentic information has been received at this office of *two hundred and six* (206) *homicides*, committed in only sixty-seven (67) of the one hundred and twenty-seven organized counties of the State, while but a small number of the perpetrators have been arrested and punished by the process of the law. This state of things has become so alarming that the people, in several instances, have taken the law into their own hands, and have executed the murderers without a trial—a proceeding which is always dangerous and greatly to be reprobated.

Any great improvement in the prevention and punishment of crime must be the work of the people themselves. So long as they tolerate the present violence and disorder and the failure to arrest and punish disorders, affairs will continue to grow worse, and be a reproach to the State. But when they will it, the municipal officers of the State will become efficient and vigilant in the discharge of their duties, life and property and personal rights will be protected, and all our material interests will prosper. The first step toward the attainment of these desirable results is the re-establishment of civil government, and the resumption of our relations with our sister States as a member of the Union.

This can now be accomplished, if our citizens choose to comply with the conditions prescribed by the laws of the United States, under which your honorable body has been elected. Few persons supposed, when hostilities had ceased by the surrender of the Confederate armies, that three years would elapse before the rebel States would be fully restored to the Union. Yet three years have elapsed; and, from the temper manifested by the public press of the State, we are apparently no nearer the accomplishment of that object than we were in May, 1865. The great majority of the white population of our State seem to have profited very little from their past experience on this subject. They still reject with scorn the mild terms offered them by the United States. While they complain that any portion of their number should be disfranchised for participation in the rebellion, they insist that loyal citizens shall not be enfranchised, because said loyal citizens are of a different race and color, although subjected to all the burdens that are imposed upon other citizens for the support and defense of the government.

The laws referred to disfranchise only such a portion of our citizens as the government of the United States considered necessary to enable the residue to establish governments loyal to the Union and in harmony with its present policy. No one supposes that this disfranchisement will be extended any further than is necessary to accomplish that object; while provision will doubtless be made for the removal of political disabilities as rapidly as the safety of the government will permit. Many of those who now oppose the enfranchisement of the colored race would gladly accept the terms proposed by President Johnson in 1865, and the proposed amendment to the Constitution of the United States, known as the Fourteenth Article, which were so contemptuously rejected. And it is worthy of their serious consideration, whether they will not bring upon themselves what they will deem much harder terms, if by their continued opposition they shall succeed in defeating the present effort to reconstruct the State.

It is not my province to make recommendations for your action; but I trust that it will not be considered improper for me to suggest that, in the constitution you are about to form, it is expected—

That you will declare that the pretended act of secession and all laws that have been enacted in aid of the late rebellion, or repugnant to the Constitution and laws of the United States, are and were null and void from their inception; and that you will at once repeal all laws that make any discrimination against persons on account of their color, race or previous condition;

That you will provide for ascertaining and paying all debts that were owing by the State at the commencement of the rebellion, and prohibit the payment of any debts incurred in aid of the rebellion, or for the support of the rebel government, during its progress;

That you will secure equal civil and political rights to every inhabitant of the State who has not forfeited these rights by participation in the late rebellion, or by conviction for crime;

That you will temporarily disfranchise a number of those who participated in the rebellion, sufficient to place the political power of the State in the hands of those who are loyal to the United States Government;

That you will make a liberal provision, by taxation upon property, for the immediate establishment of Free Public Schools for the education of every child in the State;

That you will secure to every citizen of the State, who has not heretofore received it, a reasonable amount of land out of the public domain for a homestead;

That you will adopt efficient measures to encourage immigration to our State from foreign countries, and to give aid and encouragement to such works of internal improvement as the necessities of our people require.

All these measures are called for by the public sentiment of our loyal citizens, and are necessary, I think, to secure the future happiness and prosperity of all.

The division of Texas into two or more States is a question that has recently excited much discussion, and will doubtless be brought before your honorable body. I do not think that the public interests would be advanced by the adoption of such a measure at the present time. Our population does not probably exceed eight hundred thousand; and to subject them to the expenses of two or three State governments, in their present impoverished condition, would not only be a very great burden, but would greatly diminish their ability to support a proper system of public education, and to give aid and encouragement to the measures that are needed to develop the wealth and resources of the State. If this measure is insisted on, it must inevitably delay our return to the Union; for the acts of Congress, under which the effort to reconstruct Texas is now being made, provide for the establishment of only one State within our territory. Should such a division hereafter be desired by our people, it can be more readily inaugurated and carried out after we shall have been restored to the Union, than it can be while we are without a representative in Congress.

There is another measure to which I would respectfully invite your attention; and that is, the propriety of authorizing a negotiation to be opened with the United States Government for a sale of all that portion of our territory lying west of a line drawn from the mouth of the Pecos river to the northwest corner of Hardeman county. This would include no part of the State that has been laid off into counties, except El Paso and Presidio counties, which are so far separated from the other parts of the State by a large uninhabited tract, that they cannot be properly accommodated with courts without making them a separate judicial district, at an expense greatly disproportioned to the revenue derived from taxation on the whole of the territory proposed to be sold. It is believed that the inhabitants of those counties will be favorable to the measure. This territory adjoins the territories set apart by the United States for the Indians, and would be useful to them in carrying out their Indian policy. It would be far more valuable to them than it can ever be to this State; and they will doubtless pay us a price for it far greater than we can realize from it in any other way. If we retain it, we shall probably fritter it away as we have the rest of our public domain, without securing any substantial benefit from it; while, with the money we may obtain from such a disposition of it, we shall at once be in possession of a fund that will enable us to do something effective for education, internal improvement and immigration, without subjecting ourselves to onerous taxation. Such a sale will still leave us sufficient territory to form three large States, whenever our citizens shall desire a division of it.

The officers of the government at this place are prepared to furnish your honorable body with such reports as will give you full and accurate information in regard to the state of the treasury at the commencement of the rebellion, during its progress, and at the present time; the condition of the School fund and the University fund, and what amount of each was diverted to the support of the rebellion; the sales of Land Scrip that were made during the rebellion, and all other information to be found in the public records that may be useful to you in the discharge of your duties.

The amount of money in the State treasury on the thirty-first of May, 1868, applicable to the ordinary expenditures of the government, is two hundred and three thousand, seventy-nine dollars and sixty-nine cents ($203,079 69); of which two hundred and two thousand, eight hundred and eighty-four dollars, and thirty-five cents ($202,884 35) are in United States currency, and one hundred and ninety-five dollars and thirty-four cents ($195 34) are in specie. This is exclusive of the amount standing to the credit of the School, University and other trust funds. It is believed that this money, with that which will be received from time to time under the present tax laws, will be sufficient to meet all the expenditures of the government, and pay the expenses of your honorable body, unless they should be greater than is anticipated, without the necessity of imposing an additional tax upon our citizens, as contemplated by the supplementary reconstruction law of the twenty-third of March, 1867. The Convention of 1866 was composed of the same number of members as the present, and continued in session fifty-five days; and the entire expenses of that body were sixty-nine thousand nine hundred and thirty-three dollars and fifty-nine cents ($69,933 59). And it is estimated that ninety thousand dollars ($90,000) will be sufficient to cover your expenditures. And I would respectfully suggest that the Convention at once pass an ordinance, as contemplated by the said act of Congress of the twenty-third of March, 1867, prescribing the fees, salaries and compensation to be paid to all delegates, and other officers and agents that may be necessary to enable you to complete your labors, and appropriating the sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, to pay the same; and that you also pass a resolution requesting the Commanding General of the Fifth Military District to approve your action in the premises. This course, I learn, on consultation with the Treasurer and Acting Comptroller, is desired by them for protection, and will be recommended to said commander by myself and the officer in command of the District of Texas.

We have reason to congratulate ourselves on prosperous seasons, and the prospect of abundant crops. The freed people are doing well, far better than their most ardent friends anticipated under all the circumstances by which they have been surrounded. The prejudice against them is gradually giving way to a better feeling; Many of those who prophesied ruin to the country from their emancipation are now compelled to admit that there is still some hope for the future; and when they shall have been secured in the enjoyment of the same civil and political rights as the white race, and the question finally set at rest, it will become a matter of surprise to many that they ever opposed the measure, in a country where the institutions are professedly based upon the principle that governments derive their just powers from the consent of the governed.

I trust, gentlemen, that a spirit of harmony will mark all your actions, and that you will be governed by a sincere desire to establish such a form of government as shall secure equal and exact justice to all. And I invoke upon your deliberations the blessings of that Almighty Power that has so often and so signally interposed in our behalf as a community in the hour of need.

Very respectfully,
Your obedient servant,
E. M. PEASE,
Governor of Texas.

Mr. Armstrong, of Lamar, offered the following resolution:

Resolved, That the message of Governor Pease to this Convention be referred to the Committee on State Affairs, and that 5,000 copies of the same be printed for the use of the Convention.

Mr. Evans, of McLennan, offered the following resolution:

Resolved, That the Committee on Printing have a thousand copies of the communication of Governor E. M. Pease, this day made to the Convention, printed for the use of this Convention.

Mr. Schuetze offered the following amendment:

Resolved, That one thousand copies of Governor E. M. Pease's message to the Convention be printed in the German language, and one thousand copies in the Spanish language.

Mr. M. C. Hamilton, of Bastrop, offered to lay the whole on the table until the committees were appointed.

Carried.

Mr. Burnett offered the following resolution:

Resolved, That the Secretary be, and he is hereby directed to make the necessary arrangements to have the mail matter of the members of this Convention conveyed to and brought from the postoffice, and properly distributed.

Adopted.

Mr. Newcomb, of Bexar, introduced the following resolution:

WHEREAS, it has come to the knowledge of this Convention that God, in His Divine Providence, has seen fit to remove by death from this world Judge George Klappenbach, a delegate elect to this Convention; therefore, be it

Resolved, First, That we bow in submission and humility to the decree of Divine Providence;

Second, That although the deceased was denied the privilege of convening with us, his virtues as a loyal citizen, his reputation as an original Republican, and his devotion to the cause of loyal reconstruction entitle him to be remembered with gratitude by the Republicans of Texas.

Third, That this Convention hereby expresses its sorrow for the death of Judge Klappenbach, and deeply regret the fate which has deprived us of a learned man and venerable patriot.

Fourth, That these resolutions be spread upon the minutes of the Convention.

Adopted.

On motion the Convention adjourned till 10 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JUNE 4, 1868.

The Convention met, pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read, amended and adopted.

Mr. Smith, of Galveston, moved to suspend the rules to offer the following preamble and resolution:

WHEREAS, By the reconstruction acts of March 2, 1867, it is provided "that no person excluded from the privilege of holding office" by the Fourteenth amendment proposed to the Constitution of the United States, shall be eligible to election as a member to this Convention; therefore,

Resolved, That the President of this Convention invite the Governor of the State to be present this morning and administer an oath to each of the members elect of this Convention, in accordance with the conditions of said reconstruction acts.

Convention refused to suspend rules.

Mr. Evans, of McClellan, from the committee appointed to prepare rules for the governance of the Convention, reported as follows:

The committee appointed by the President, under a resolution of the Convention, to report rules for its government during its deliberations, beg leave to submit that they have examined the rules usually adopted by the Legislatures of the State, and with the modifications which they have interpolated, to adapt them to the nature and condition of the Convention as a deliberative assembly, they recommend their adoption as rules to govern this House. Embracing the changes suggested by the committee, they will be found in the printed pamphlet herewith returned as a part of their report. All of which is respectfully submitted.

A. J. EVANS,
L. LINDSEY,
M. L. ARMSTRONG.

Mr. Evans, of McLennan, introduced the following resolution:

Resolved, That the report of the Committee on Rules be postponed until 12 o'clock to-day.

Adopted.

Mr. C. Caldwell, from the committee appointed to inquire into the importance and necessity of procuring the services of a reporter, presented the following report:

MR. PRESIDENT:

Your committee appointed to inquire into the importance and necessity of procuring the services of a reporter, have performed the duty assigned to them, and submit the result of their deliberations.

They respectfully suggest, in accordance with the usage of deliberative bodies, engaged in the work of forming the organic law for a State, that the Convention employ a reporter.

There are many obvious reasons why the debates should be perpetuated, so as to form a part of the history of the very responsible and arduous labors of this body.

In the opinion of your Committee, a record thus faithfully made will become useful and important in the true exposition of the various provisions of the Constitution. Language is so dubious, and susceptible of such various readings that the common experience of mankind has demonstrated that the contemporaneous sayings of those engaged in the work of legislation have thrown light upon the subjects discussed and adopted.

Besides, the people of Texas and the whole country have a right to know the motives and reasons by which members are actuated, as far as practicable, in making a new constitution. It is due alike to the Convention and the people. It is but a debt we owe posterity. It is from sources like this that some future Bancroft, Gibbon, or Prescott will be enabled to write a faithful history of the terrible times upon which we have fallen.

Your committee have consulted with Mr. John Ford, and find him well qualified. He reported the debates of the Reconstruction Convention of Mississippi. Specimens of the daily proceedings and his manner having been exhibited to your committee, we are satisfied of his abilities.

Your committee therefore recommend that they be empowered to employ Mr. John Ford at the rate of fifteen dollars per day.

Respectfully, etc.,
C. CALDWELL, *Chairman.*

Mr. Hamilton, of Travis, moved the adoption of the report.

Carried.

Mr. Armstrong, of Lamar, offered the following resolution:

Resolved, That the Commissioner of the Land Office be requested to furnish this Convention information upon the following points, to wit: The number of certificates, if any, and number of patents, if any, issued to the Memphis, El Paso and Pacific Railroad Company, the amount of land thus disposed of and to whom the certificates or patents were issued, when issued, and under what law.

Mr. Evans, of McLennan, moved that the resolution be referred to the Committee on Public Lands when appointed.

Ruled out of order.

Mr. Lippard introduced the following resolution:

Resolved, That each member of this Convention be required to take the following oath or affirmation:

I, A. B., do solemnly swear or affirm that I will support, protect and defend the Constitution and laws of the United States.

Mr. Smith, of Galveston, moved to amend by inserting after the words "United States," the following: "And that I have not taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive Officer or Judicial Officer of any State, to support the Constitution of the United States, and afterwards engaged in rebellion against the United States, or given aid or comfort to the enemies thereof.

Amendment accepted.

Mr. Burnett offered the following substitute:

Resolved, That the Chief Justice of the State of Texas be reqired to administer to the members of this Convention the oath required by the act of Congress, known as the Reconstruction Acts.

Mr. Newcomb offered the following amendment to the substitute:

Resolved, That the General Commanding be requested to designate an officer to administer the oath to the members of this Convention.

Mr. Evans, of McLennan, moved to lay the whole matter on the table.

The yeas and nays were demanded and resulted as follows:

Yeas—Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Buffington, Cole, Degener, Evans of McLennan, Flanagan, Flanagan Webster, Fleming, Gaston, Glenn, Gray, Harris, Kuechler, Kirk, Muckleroy, Mullins, Patten, Scott, Sorrel, Thomas, Varnell, Yarborough--28.

Nays—Bell, Bellinger, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Coleman, Constant, Curtis. Davis, Downing, Fayle, Foster, Goddin, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Hunt, Johnson of Harrison, Johnson of Jackson, Jordan, Kealy, Kendal, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—59.

Lost.

The question recurring on the amendment offered by Mr. Newcomb, Mr. Hamilton, of Bastrop, moved to lay the resolution on the table.

Carried.

Mr. R. K. Smith moved to lay the substitute offered by Mr. Burnett, upon the table.

Carried.

Mr. R. K. Smith, of Galveston, moved the adoption of the original resolution as amended.

Mr. Mullins offered the following substitute:

I, —— ——, do solemnly swear that I will support the Constitution and laws of the United States, and that I am a registered voter of the State of Texas. So help me God.

Moved to lay the substitute upon the table.

Carried.

Mr. Thomas offered the following substitute:

Resolved, That the President of the Convention administer to each member the following oath:

I, ——— ———, do solemnly swear that I will support, defend and protect the Constitution of the United States, and that I am not excluded from the privilege of holding office by the proposed Amendment to the Constitution of the United States, known as Article 14.

Mr. Ruby moved to lay the substitute on the table.

Carried.

The question recurring upon the passage of the original resolution as amended, offered by Mr. Lippard, Mr. Smith, of Galveston, demanded the yeas and nays, which resulted as follows; and the resolution was adopted—Yeas 64. Nays 22.

Yeas—Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Carter, Davis, Degener, Downing, Fayle, Foster, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Hunt, Johnson of Harris, Johnson of Jackson, Jordan, Kealy, Kendal, Leib, Lindsay, Lippard, Long, Mackey, McCormack, McWashington, Mills, Morse, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—64.

Nays—Armstrong of Jasper, Boyd, Evans of McLennan, Flanagan, Flanagan W., Fleming, Gaston, Glenn, Goddin, Gray, Harris, Kuechler, Kirk, Muckleroy, Mullins, Mundine, Munroe, Patten, Sorrel, Talbot, Thomas, Varnell, Yarborough—22.

Mr. Newcomb offered the following resolution:

Resolved, That this Convention request Major General Reynolds, Commander of the sub-district of Texas, to designate an officer to administer the oath to the members of this Convention.

The hour having arrived for the consideration of the report of the Committee on Rules,

Mr. Burnett offered the following resolution:

Resolved, That the report of the Committee on Rules be received and adopted, and that the Rules prepared by said Committee for the government of this Convention be, and the same are hereby adopted.

Mr. Ruby offered the following amendment:

Resolved, That said printed rules presented by the Committee on Rules for the Convention, be read by the Secretary and adopted by sections.

Mr. Armstrong, of Lamar, moved to lay the resolution on the table.

Carried.

It was moved that the resolution presented by Mr. Burnett be adopted.

Carried.

Mr. Hamilton, of Travis, introduced the following resolution, and moved it be referred to the Committee on Contingent Expenses:

Resolved, That the Secretary be authorized to purchase for the use of the members of this Convention, and for the use of the State, and future Legislatures, one hundred and fifty copies of Paschal's Annotated Constitution of the United States; and that upon his certificate appended to the proper voucher, the Comptroller be required to draw his warrant upon the Treasurer for the amount necessary to cover the said purchase; provided, however, that not more than ——— dollars per copy shall be paid therefor.

Ordered to be so referred.

On motion, the Convention adjourned until four o'clock.

FOUR O'CLOCK, JUNE 4, 1868.

Convention met pursuant to adjournment; roll called; quorum present.

The President announced the order of business was upon the motion of Mr. Newcomb, asking the Commanding Officer of this District to appoint a person to administer an oath to this Convention.

Mr. Smith, of Galveston, moved the previous question upon passage of resolution.

Mr. Butler, of Walker, offered the following substitute:

Resolved, That a committee be appointed by the President to examine credentials.

Ruled out of order.

Mr. Degener offered the following substitute:

Resolved, That the members of this house take the required oath before a Notary Public and hand the same to the President of the Convention.

Mr. Wright moved to lay the substitute on the table.

Carried.

Mr. Mills, of El Paso, moved the resolution of Mr. Newcomb be laid on the table.

Carried.

Mr. Burnett offered the following resolution:

Resolved, That Hon. Amos Morrill, Chief Justice of the State of Texas be, and he is hereby requested to administer to the members of this Convention the oath adopted, and that the same be simultaneously administered to all the members, standing.

Mr. Mills moved to lay the resolution upon the table.

Carried.

Mr. Mills, of El Paso, offered the following resolution:

Resolved, That the Convention reconsider the vote of this morning, requiring members to subscribe to a certain oath.

Mr. Smith, of Galveston, moved to lay the resolution on the table, whereupon the yeas and nays were called for and resulted as follows:

Yeas—Bell, Bryant of Harris, Butler, Burnett, Carter, Fayle, Foster, Goddin, Hamilton of Bastrop, Hunt, Kealy, Kendal, Kuechler, Lippard, Long, Mackey, Newcomb, Oaks, Phillips of San Augustine, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Wilson of Milam—22.

Nays—Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Caldwell, Cole, Coleman, Constant, Curtis, Davis, Degener, Downing, Evans of McLennan, Flanagan, Flanagan Webster, Fleming, Gaston, Glenn, Grigsby, Hamilton of Travis, Harris, Harne, Johnson of Harrison, Johnson of Jackson; Jordan, Kirk, Leib, Lindsay, McCormack, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Patten. Pedigo, Phillips of Wharton, Posey, Rogers, Scott, Slaughter, Sorrel, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—62.

Yeas 22 and Nays 62.

Motion to lay on the table lost.

Mr. Mills moved to reconsider the vote of the Convention, upon the resolution of Mr. Lippard, adopted at the morning session.

Mr. Lippard moved to adjourn until to-morrow morning at nine o'clock.

Lost.

Mr. Flanagan moved to postpone consideration of subject till Monday at 11 o'clock.

Carried.

Mr. Butler introduced the following resolution:

Resolved, That a committee of five be appointed by the chair to examine credentials.

Mr. Schuetze offered the following amendment:

Resolved, That said committee be instructed to receive of every member the order of the Commanding General convening this Convention, and that said order, if found to be genuine, shall be regarded as evidence that the member holding the same is entitled to a seat in this Convention.

On motion, the Convention adjourned 'till nine o'clock to-morrow.

CAPITOL, AUSTIN, TEXAS,
June, 5, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read, amended and adopted.

The President announced the following standing committees:

Political or Legislative—Caldwell, Chairman; Armstrong, of Jasper; Flanagan (Webster), Carter, Ruby, Grigsby, Degener, Lippard, Butler.

Judiciary—Hamilton, of Travis, Chairman; Caldwell, Lindsay, Gray, Burnett, Evans, of McLennan; Fayle, Mullins, McCormick, Pedigo.

General Provisions—Hamilton, of Bastrop, Chairman; Whitmore, Flanagan, of Rusk; Sorrel, Varnell, Newcomb, Smith, of Galveston; Phillips, of Wharton; Armstrong, of Lamar.

Executive—Lindsay, Chairman; Munroe, Phillips, of San Augustine, Rogers, Mills, Boyd, Thomas, Vaughan, Williams.

Finance—Whitmore, Chairman; Pedigo, Mackey, Johnson, of Calhoun; Glenn, Bryant, of Grayson; McWashington, Jordan, Stockbridge.

Education—Talbot, Chairman; Schuetze, Lieb, Constant, Long, Cole, Kealy.

Internal Improvements—J. W. Flanagan, Chairman; Smith, of Galveston; Bell, Board, Jordan, Wilson, of Milam; Downing.

Immigration—Degener, Chairman; Schuetze, Foster, Smith, of Marion; Wilson, of Brazoria; Morse, Curtis.

Public Debt—Armstrong, of Lamar, Chairman; Hamilton, of Bastrop; Harne, Johnson, of Harrison; Kirk, Mundine, Keigwin.

Public Lands—Lippard, Chairman; Oaks, Boyd, Kendal, Johnson, of Calhoun; Burnett, Hunt.

Apportionment—Varnell, Chairman; Gaston, Bryant, of Harris; Brown, Hamilton, of Travis; Wright, Yarborough.

State Affairs—Gray, Chairman; Buffington, Bledsoe, Adams, Flemings, Harne, Hunt, Waters, Harris.

Federal Relations—Evans, of McLennan, Chairman; Bellinger, Sumner, Scott, Kirk, Keuchler, Patten, Posey, Coleman.

Printing—Thomas, Chairman; Newcomb, Phillips, of San Augustine; McCormick, Mills, Vaughan, Goddin.

Contingent Expenses—McCormick, Chairman; Grigsby, Adams, Kealy, Butler.

Commerce and Manufactures—Phillips, of Wharton, Chairman; Carter, Posey, Patten, Talbot, Bell, Mullins.

Mr. Hamilton, of Travis, moved that Mr. Pedigo be added to the Committee on Judiciary. There being no objection it was so ordered.

The Treasurer sent the following communication to the Convention:

OFFICE STATE TREASURER,
Austin, Texas, June 4, 1868.

HON. E. J. DAVIS,
President State Convention, Austin, Texas.

SIR: As the Convention under the reconstruction law has now organized, and presuming that application will soon be made to the Commanding General for an appropriation to pay its expenses, I have thought that it might not be improper to give some information touching the condition of the State treasury, and therefore have the honor to enclose herewith a "statement of funds on hand in the State treasury on the thirty-first day of May, 1868."

The State revenue is the fund out of which appropriations are paid, and the statement shows that there is of that fund on hand, in United States currency $202,884 35¾
It is estimated that there will be paid into the treasury before the first day of January, 1869, say, 215,000 00

Total of this fund $417,884 35¾
Estimate of current expenses for support of State Government to January 1, 1869, say $130,000 00
Estimate of balance on hand, January 1, 1869, of this fund $287,884 35¾

The statement and estimate show that there are now, and probably will be at the close of the year, ample funds in the treasury to defray all expenses, both of the State Government and the Convention, without resorting to the collection of a special tax, as contemplated by the law of Congress.

I have the honor to be,
With much respect,
Your obedient servant,
JOHN T. ALLAN,
Treasurer.

STATEMENT OF FUNDS ON HAND IN THE STATE TREASURY, ON THE THIRTY-FIRST DAY OF MAY, 1868.

	Specie.	Currency.	Bonds of railroad companies.	5 per cent. State bonds.	6 per cent. State bonds.	Comptro's certific's of indebt'ness	Total.
State revenue	$195 34	$202,884 35¼					203,079 69¼
School fund	59,479 31	369 76	$1,753,317 00	$82,168 82	$320,367 13		2,215,702 02
County taxes		27,113 55½					27,113 55½
Settlement of estates	3,057 47	1,967 97					5,025 44
Escheated estates	2,688 71						2,688 71
Assessors' Fees		13 50					13 50
University land sales						$10,300 41	10,300 41
University fund				134,472 26			134,472 26
Special loan tax						79,409 50	79,409,50
	$65,420 83	$232,349 14¼	$1,753,317 00	$216,641 08	$320,367 13	$89,709 91	$2,677,805 09¼

TREASURER'S OFFICE, Austin, Texas, May 31, 1868.

JOHN T. ALLAN, Treasurer.

Mr. Armstrong, of Lamar, moved to refer the communication to the Committee on Printing, and that two hundred copies be printed. It was so referred.

Mr. Evans, of McLennan, offered the following declaration:

Be it declared by this Convention:

First, That the theory of the Government of the United States is, that the people of the United States, and not the States, established the Government of the United States.

Second, No local, municipal, territorial, or State government, can lawfully exist in the United States without the sanction or permission of the Congress of the United States.

And in recognition of these propositions, be it declared by this Convention:

Third. That this Convention will now proceed to frame a constitution and civil government in Texas, according to the provisions of the acts of Congress commonly known as "reconstruction acts," and that this Convention will not recognize or sanction the ordinance of secession of 1861, or any bill, law, ordinance, act, resolution, rule, or provision passed, made, or enacted since the passage of the ordinance of secession in March, 1861, by any body or assemblage of persons, or men, in Texas, calling themselves a Convention or Legislature, and not having first the sanction of the Congress of the United States, as having now, or ever having had validity, in the State of Texas.

Mr. Hamilton, of Bastrop, moved the adoption of the declaration.

Ruled out of order.

Mr. McCormick moved it be referred to Committee on Federal Relations, and printed.

Carried.

Mr. Sumner offered the following resolution:

Resolved, That the Secretary be authorized to furnish each member of this Convention with fifteen copies of the Daily Austin Republican, during the sitting of the Convention.

Mr. Evans, of McLennan, moved to amend resolution by substituting fifty copies instead of fifteen.

Withdrawn.

Mr. Evans, of McLennan, moved to suspend rules and pass resolution.

Mr. Hamilton, of Bastrop, moved to refer the matter to Committee on Contingent Expenses.

Mr. Ruby moved to lay the whole matter on the table. The yeas and nays being called stood thus:

Yeas—Messrs. Adams, Armstrong, of Jaspar; Armstrong, of Lamar; Boyd, Brown, Bryant, of Harris; Butler, Constant, Curtis, Hamilton, of Bastrop; Kendal, Kirk, Lippard, Long, McWashington, Mullins, Patton, Ruby, Slaughter, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough.—25.

Nays—Messrs. Davis, Bell, Bellinger, Bledsoe, Board, Bryant, of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Flanagan (Webster), Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Travis; Harris, Home, Hunt, Johnson, of Harrison; Johnson, of Calhoun; Jordan, Kealy, Kuechler, Leib, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Schuetze, Scott, Smith, of Galveston; Smith, of Marion; Sorrel, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous.—62.

So the motion to lay the matter on the table was lost.

The rules were then suspended, when Mr. Lippard offered the following resolution:

Resolved, That ten copies of the San Antonio Express be taken, in addition to the copies of the Austin Republican.

Referred to Committee on Printing.

Mr. Ruby offered the following substitute:

Resolved, That this Convention do authorize ten copies of the three Republican papers in this State, known as follows: the Austin Republican, the San Antonio Express, and the Galveston Republican, be furnished each member of the Convention.

Mr. Sumner moved to lay the substitute on the table.

Carried.

Mr. Burnett offered the following substitute:

Resolved, That the Committee on Printing are hereby authorized to contract with the editor of the Austin Republican for five copies of the Daily Republican, and ten copies of the Weekly Republican, for the use of each member of this Convention; provided said paper publishes the official proceedings of this Convention.

On motion, it was referred to Committee on Printing.

Mr. Evans, of McLennan, offered the following resolution:

Resolved, That all the resolutions now before the Convention, on the subject of purchasing or subscribing for newspapers, be committed to the Committee on Printing, and that they report what papers, if any, we shall purchase; what number of copies, and the probable costs thereof; and that they report in the morning.

Adopted.

Mr. Hamilton, of Travis, offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the necessity and propriety of urging upon the Congress of the

United States a change in the reconstruction laws, giving to this body the appointment of the Boards of Registrars in this State, and that they report by memorial, resolutions, or otherwise, without delay.

Adopted.

Mr. Hamilton, of Travis, moved to suspend the rules.

Carried; and resolution passed and referred to the Judiciary Committee.

Mr. Ruby, of Galveston, offered the following resolutions:

Resolved, That a special committee of —— members be appointed on the subject of Bill of Rights.

Resolved, That a special committee of —— members be appointed on the subject of the Militia.

Resolved, That a special committee of —— members be appointed on the subject of Election and Suffrage.

Resolved, That a special committee of —— members be appointed on the subject of Eminent Domain and Property of the State.

Mr. Burnett moved to lay the resolutions upon the table.

Carried.

Mr. Caldwell offered the following resolution:

Resolved, That a select committee of five be appointed, to whom shall be referred the lawlessness and violence said to pervade the State; and that they have leave to report by declaration, or otherwise.

Rules suspended and resolution passed.

Mr. Boyd offered the following resolution:

Resolved, That the Sergeant-at-Arms be required to furnish seats to the different newspaper reporters in attendance upon the Convention, near the Secretary's desk, or convenient thereto.

Carried.

Mr. McCormick moved that the rules be suspended to permit him to introduce a resolution.

Rules suspended.

Mr. McCormick introduced the following resolution:

Resolved, That the Message of his Excellency E. M. Pease, Governor of Texas, be now taken up, and the different portions of the same be referred to appropriate Committees, and that the Committee on Printing be instructed to have two thousand copies printed for the use of the Convention.

Adopted.

The President announced the unfinished business of yesterday to be on the resolution of Mr. Butler, and amendment thereto, as offered by Mr. Schuetze.

On motion of Mr. Smith, of Galveston, to lay upon the table, yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. President, Adams, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Buffiington, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, Flanagan W., Foster, Gaston, Glenn, Gray, Grigsby, Hamilton of Bastrop, Harris, Harne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Lindsay, Lippard, Mackey, McWashington, Mills, Morse, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Smith of Galveston, Smith of Marion, Sorrel, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—64.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Butler, Degener, Fleming, Goddin, Hamilton of Travis, Kealy, Kuechler, Leib, Long, McCormick, Mundine, Posey, Ruby, Schuetze, Scott, Slaughter, Stockbridge, Talbot, Wilson of Brazoria—21.

Lost.

Mr. Flanagan offered the following declaration, and asked that it be referred to the Judiciary Committee:

A Declaration to suspend Sheriff's and Constable's Sales in the State of Texas.

SECTION 1. Be it declared that all sales of property by Sheriffs in the State of Texas, be, and the same are, hereby suspended until further action may be had therein.

SECTION 2. Be it further declared, that this Declaration take effect from and after its passage.

Passed and referred.

Mr. Hamilton, of Bastrop, offered the following resolution:

Resolved, That a select committee of fifteen be appointed to report a plan for proceedings to frame a Constitution, and such other work as may be deemed proper for the Convention to consider and adopt—eschewing all subjects coming within the legitimate scope of the Legislative branch of the Government proposed to be organized.

Mr. McCormick moved a suspension of rules.

Rules suspended.

Mr. Burnett moved to lay resolution on the table.

A division was called for, and being a tie vote, the motion was lost.

The question recurring on the passage of the resolution as offered by the delegate from Bastrop, the yeas and nays were called, and resulted as follows:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Butler, Degener, Downing, Evans of McLennan, Hamilton of Bastrop, Hunt, Johnson of Colhoun, Kendal, Kuechler, Lippard, Long. McWashington, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Ruby, Schuetze, Smith of Galveston, Varnell, Williams—29.

Nays—Messrs. Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Fayle, Flanagin, Flanagan, W., Fleming, Foster, Gaston, Glenn, Goddin, Grey, Grigsby, Hamilton of Travis, Harris, Home, Johnson of Harrison, Jordan, Kealy, Kirk, Leib, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Scott, Slaughter, Smith of Marion, Sorrel, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—58.

Lost.

Mr. Mullins offered the following resolution, which was referred to the committee on State Affairs:

Resolved, 1st, That this Convention was called by, in pursuance of, and derives its powers, whatever they may be, solely from the Laws of Congress, known as the Reconstruction Acts.

Resolved, 2d, That this Convention, under said Laws, possesses no Legislative powers beyond the formation of a Constitution for the State of Texas.

On motion, the Convention adjourned till 4 o'clock.

FOUR O'CLOCK, P. M.

Convention met, pursuant to adjournment. Roll called. Quorum present.

Mr. Degener moved that the Commanding General of Texas be invited to a seat in the Convention.

Carried.

Mr. Degener moved that a committee of three be appointed to conduct him to his seat.

Carried.

The President appointed Messrs. Degener, Hamilton of Travis, and McCormick.

Mr. Phillips offered the following resolution:

Resolved. That the Sergeant-at-Arms provide rooms for the respective committees.

Mr. McCormick moved a suspension of the rules.

Rules suspended and resolution adopted.

Mr. Lindsay moved that Wright be added to the Committee on Internal Improvements.

Mr. Caldwell moved that Mr. Buffington be added to the Committee on Printing.

Mr. Evans moved that Mr. Patten be added to the Committee on Internal Improvements.

Mr. Hamilton of Travis, moved that Mr. Smith, of Galveston, be added to the Committee on Apportionment.

Mr. Bryant, of Harris, moved that Mr. Ruby be added to the Committee on Education.

There being no objection it was so ordered.

W. Flanagan offered the following resolution, and asked that it be referred to the Committee on Contingent Expenses:

Be it ordained by the Convention, That the sum of one hundred and twenty-five thousand dollars be, and the same is hereby appropriated out of any money in the Treasury of the State of Texas, not otherwise appropriated, or as much thereof as may be necessary to pay the current expenses of the Convention, and the per diem and mileage of the members; and that the per diem of each member be fixed at the sum of fifteen dollars, and the mileage at twenty-five cents per mile; to be governed by the computation of the United States army regulations.

Mr. Newcomb offered the following resolution:

Resolved, That the morning sessions of this Convention commence at 9 o'clock, and continue until 12 M; the evening session commence at 3 o'clock, and continue uvtil 5 o'clock.

Mr. Sumner moved to lay the resolution on the table.

Carried.

On motion, House adjourned till nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JUNE 6, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the following additionel standing committees:

Counties and County Boundaries—Pedigo, Chairman; Wilson, of Brazoria, Fleming, Kuechler, Sorrel.

Examining Comptroller's and Treasurer's Office—Smith, of Galveston, Chairman; Webster Flanagan, Butler, Lieb, Armstrong, of Jasper.

The President, also, announced Messrs. Caldwell, Lippard, Whitmore, Sumner, Evans, of McLennan, Bledsoe, Cole, Bell, as the special committee on "Lawlessness and Violence."

Mr. Buffington introduced the following Memorial, and moved that it be referred to the Committee on State Affairs:

ANDERSON, TEXAS, *May*, 20, 1868.

To the President and Members of the State Convention of Texas.

The undersigned, W. R. Storey, a minor, aged near twenty years, a resident of Grimes county, Texas, would respectfully represent, that he is now, and has been, doing business on his own responsibility, and is without any guardian, save and except an aged mother who is, by the law of the State, guardian of his person only.

That, to enable him more effectually to carry on business in his own name, he would respectfully ask your Honorable Body to declare him of lawful age to do, perform and transact any and all business of whatever name, kind, character, or description; and that his acts in such business transactions may be made and declared good, valid and binding, as though he was of lawful age.

And as in duty bound, will ever pray, &c.

WILLIAM R. STOREY.

We, the undersigned citizens of Grimes county, Texas, would respectfully represent that we are personally acquainted with the said W. R. Storey, the signer of the foregoing petition, that the facts there stated are true, and that we believe that the said petitioner is fully competent and capable of managing and transacting his business, and would recommend that his said petition be granted.

A. D. STOREY.
J. BUCHANAN.
A. BUFFINGTON.
BEN. GOODRICH.
E. T. TERREL.
D. C. DICKSON.
WM. E. BARRY,
Clerk C. C. G. C.
G. M. MOORING,
County Judge.
G. M. PATRICK,
ex-Co. Judge.

The petition was referred to the Committee on State Affairs.

Mr. McCormick, from the Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
June 5, 1868.

Hon. E. J. Davis, President of the Convention.

SIR: The Committee on Contingent Expenses, to which was referred the resolution introduced by Mr. Webster Flanagan, relating to the *per diem* pay and mileage of the members of the Convention, and current expenses of the Convention, have had the same under consideration. They find that the Convention of 1845 fixed the *per diem* of the members of the first Legislature at three dollars per day; that; subsequently, the Legislature raised the *per diem* to five dollars per day for members of the Legislature; that what is known as the Secession Convention, did not take any action on the subject of their pay, but the Legislature, then in session, passed an act providing that the delegates to the State Convention, and the officers thereof, should receive the same pay as the members and officers of the Legislature. Pay was then made in gold. In February, 1866, the Convention, then assembled here, taking into consideration the difference in the market value of gold, and the currency of the United States, in which pay was then, and is now, made, raised the pay of members and officers to eight dollars per day, and fixed the pay of the first Legislature at that figure. Since February, 1866, United States currency has not depriciated to any considerable extent, if at all, so far as the Committee is informed, and a majority of the Committee are of opinion, and instruct me to report, that they are unable to discover sufficient reason, either in the history of past legislation, or the present condition of the State to justify them in reporting favorably on so much of said Resolution as proposes to fix the *per diem* of members and officers at fifteen dollars per day. So much of the Resolution, as relates [to] the general appropriation for the current expenses, has received the favorable judgment of the committee. And I am instructed by the majority of the committee to return said Resolution, with the recommendation that it do not pass, but that the Declaration herewith reported be passed in lieu thereof.

A. P. McCORMICK,
for the majority of the committee.

A DECLARATION, making an appropriation for the per diem pay and mileage of the members, and per diem pay of the officers of the Convention.

SECTION 1. Be it declared by the delegates of the people of Texas, in Convention assembled, That the members and officers (not to include Messengers and Porters) of said Convention shall receive from the State Treasury, as a compensation for their services, the sum of eight dollars per day, and the members, likewise, eight dollars for every twenty-five miles of travel, coming to, and going from, the Convention; and the messengers and porters the sum of four dollars per day.

SEC. 2. Be it further declared, That the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the mileage and *per diem* aforesaid.

SEC. 3. Be it further declared, That the certificate of the Secretary of the Convention will be sufficient to authorize the Comptroller to draw upon the Treasurer, for such sums as may be due the members and officers aforesaid; and that this Declaration take effect from its passage.

Mr. Webster Flanagan moved it be rcommitted to committee on Contingent Expenses, with instructions to report fifteen dollars per day as the *per diem.*

Mr. Hamilton, of Travis, moved to lay the motion on the table. The Yeas and Nays were demanded, which resulted as follows:

Yeas—Armstrong, of Jasper, Bell, Bledsoe, Board, Boyd, Bryant, of Grayson, Bryant of Harris, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Hamilton, of Bastrop, Hamilton, of Travis, Harne, Hunt, Johnson, of Calhoun, Jordan, Kealy, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, Mills, Morse, Mullins. Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Schuetze, Slaughter, Sorrel, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—55.

Nays—Adams, Bellinger, Buffington, Caldwell, Cole, W. Flanagan, Glenn, Harris, Johnson, of Harrison, Kendal, Kirk, Muckleroy, Ruby, Smith, of Galveston, Smith, of Marion, Vaughan—17.

So the motion prevailed; Yeas, fifty-five; Nays, seventeen.

Mr. Wright moved that the rules be suspended to take up report of committee on Contingent Expenses.

Rules were suspended.

Mr. Varnell offered the following amendment to the Declaration:

Amend by inserting "ten dollars per day" in place of "eight".

Mr. Degener moved the previous question. The motion not being seconded by the required number, was lost.

The question again recurring upon the adoption of the amendment offered by Mr. Varnell, Mr. Degener again moved the previous question, which was seconded.

Upon the question, "Shall the main question be now put?" the Yeas and Nays were ordered, and resulted as follows:

Yeas—Messrs. President, Armstrong, of Jasper, Bell, Bledsoe, Bryant, of Grayson, Burnett, Carter, Constant, Curtis, Degener, Evans, of McLennan, Fleming, Foster, Goddin, Hamilton, of Bastrop, Hamilton, of Travis, Harne, Hunt. Jordan, Kealy, Kuechler, Leib, Lindsay, Mackey, McCormick, Mills, Mundine, Oaks, Patten, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Schuetze, Sorrel, Sumner, Talbot, Thomas, Whitmore, Wilson, of Brazoria, Wright, Yarborough—42.

Nays—Adams, Bellinger, Board, Boyd, Brown, Buffington, Caldwell, Dole, Coleman, Downing, Fayle, Flanagan, Webster Flanagan, Gaston, Glenn, Gray, Grigsby, Harris, Jonhson, of Harrison, Johnson of Calhoun, Kendal, Kirk, Lippard, Long, McWashington, Morse, Muckleroy, Mullins, Munroe, Newcomb, Posey, Ruby, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wilson, of Milam—42.

Yeas: forty-two; Nays: forty-two.

Being a tie vote, the chair decided the Convention had refused to sustain the call for the main question.

Mr. Sumner moved to adjourn until Monday morning, 9 o'clock.

The Yeas and Nays were demanded and resulted as follows:

Yeas—Messrs. President, Bell, Bellinger, Boyd, Buffington, Caldwell, Cole, Coleman, Flanagan, W. Glenn, Gray, Grigsby, Hamilton, of Travis, Harris, Harne, Hunt, Kuechler, Leib, Lindsay, Long, McWashington, Muckleroy, Mullins, Mundine, Munroe, Pedigo, Rogers, Schuetze, Smith, of Marion, Sorrel, Stockbridge, Sumner, Varnell, Vaughan—34.

Nays—Messrs. Adams, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Burnett, Carter, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Fleming, Foster, Goddin, Hamilton, of Bastrop. Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Kirk, Lippard, Mackey, McCormick, Mills, Morse, Newcomb, Oaks, Patten, Phillips, of San Augustine, Phillips, of Wharton, Posey, Ruby, Scott, Slaughter, Smith, of Galveston, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough—49.

The Convention refused to adjourn.

Mr. Hamilton, of Bastrop, moved to adjourn until 4 o'clock. Lost.

Mr. Caldwell moved to adjourn until Monday morning, 9 o'clock. Lost.

Mr. Evans, of Waco, moved to lay the amendment offered by Mr. Varnell on the table. The Yeas and Nays being demanded, resulted as follows:

Yeas—President, Bell, Bledsoe, Bryant, of Grayson, Bryant, of Harris, Burnett, Carter, Constant, Curtis, Degener, Evans, of McLennan, Fleming, Foster, Goddin, Hamilton, of Bastrop, Hamilton, of Travis, Harne, Hunt, Jordan, Kealy, Kuechler, Leib, Lindsay, Mackey, McCormick, Mills, Mundine, Patten, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Rogers, Schuetze, Sorrel, Sumner, Talbot, Thomas, Whitmore, Wilson, of Brazoria, Wright —40.

Nays—Messrs. Adams, Bellinger, Board, Boyd, Brown, Buffington, Caldwell, Coleman, Fayle, Flanagan, Flanagan, Webster, Glenn, Gray, Grigsby, Harris, Johnson, of Harrison, Johnson of Calhoun, Kendal, Kirk, Lippard, Long, McWashington, Morse, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Posey, Ruby, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wilson, of Milam, Yarborough—41.

The Convention refused to lay the amendment on the table.

Mr. Hamilton, of Travis, asked leave of absence for Mr. Schuetze. Leave granted.

Mr. Buffington asked leave of absence for Mr. Armstrong. Leave granted.

On motion, the Convention adjourned until 9 o'clock, Monday morning.

CAPITOL, AUSTIN, TEXAS,
June 8, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the following additional standing committees:

Committee on Engrossed Provisions—Munroe, Chairman; Harne, Goddin, Scott, Wright.

Committee on Enrolled Provisions—Fayle, Chairman; Bledsoe, Bellinger, Yarborough.

Committee on Style—Carter, Chairman; Buffington, Hamilton of Travis, Pedigo, Newcomb.

The President announced that the first business in order was the presentation of Petitions. There being none, Reports of Committees were called.

Mr. Thomas, from the Committee on Printing, made the following report:

To the Hon. E. J. DAVIS,
President of the Convention:

The Committee on Printing instruct me to report that they have contracted for the publication, in pamphlet form, of two thousand copies of the Governor's Message, for sixty dollars in currency.

Respectfully submitted,
JAS. W. THOMAS,
Chairman.

Mr. Vaughan, from the Committee on Printing, made the following majority report:

To the Hon. E. J. DAVIS,
President of the Convention:

Sir: A majority of the Committee on Printing, to whom was referred certain resolutions relating to the purchase of newspapers, which shall contain the proceedings of the Convention, have instructed me to recommend the purchase, for the use of each member of the Convention, of ten copies of the Austin *Daily Republican* and five copies of the San Antonio *Freie Presse.* The Austin *Republican* will be laid upon the desks of members at the opening of the Convention, and will contain the journal, or the debates of both, as the Convention may desire, and be furnished at ten cents for each copy, which rate will make the aggregate cost $2,340 per month. The *Freie Presse* will contain the journal alone, which will be published in the German language, and will cost five cents per copy, or in the aggregate, $270 per month. All of which is respectfully submitted.

F. A. VAUGHAN,
For majority of Committee.

Mr. Thomas, from the same Committee, made the following minority report:

To the Hon. E. J. DAVIS,
President of the Convention:

Sir: A minority of the Committee on Printing, to whom was referred certain proposed resolutions touching the purchase of newspapers publishing the proceedings of this Convention, respectfully ask that the Committee be empowered to contract for the publication of nine hundred copies of the journal of the Convention, at $550 per month, to be laid on the desks of members before the reading of the journal in the morning, agreeably to the proposition of Mr. Jas. P. Newcomb, which is herewith submitted; and two hundred copies of the Daily Austin *Republican*, and fifty copies of the German *Freie*

Presse. The Republican to contain the debates, and the *Freie Presse* which is published in the German language, to contain the journal of the Convention. *Provided,* the total cost of said publications shall not exceed $1,300 currency per month.

JAS. W. THOMAS,
For minority of Committee.

Mr. McCormick, Chairman of the Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
June 8, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

Sir: The Committee on Contingent Expenses, to which was referred the resolution introduced by Mr. Hamilton, of Travis, in reference to purchasing one hundred and fifty copies of Paschal's Annotated Constitution of the United States, have had the same under consideration, and have communicated with Mr. Paschal, and learn that he will furnish the Convention with one hundred and fifty copies at the price of $1 80 per copy. And the Committee instruct me to report back the resolution, with the recommendation that the blank be filled up with one dollar and eighty cents, and that the resolution thus amended be passed.

A. P. McCORMICK,
For Committee.

Mr. Degener moved to suspend the rules to take up the report of the Committee on Paschal's Annotated Digest.

Rules suspended and resolution passed.

The question recurring on the engrossing of the resolution, it was ordered to be engrossed.

Mr. McCormick moved to suspend the rules, and put the resolution on its third reading.

Carried.

Rules suspended, resolution read third time and adopted.

Mr. Hamilton, of Travis, from the Judiciary Committee, reported as follows:

COMMITTEE ROOM,
June 8, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

Sir: Your Committee on the Judiciary, to whom was referred a resolution instructing them to enquire into the necessity and propriety of urging upon the Congress of the United States, a change in the Reconstruction Laws, giving to this body the appointment of the Boards of Registrars in this State, and that they report by memorial, resolutions, or otherwise, without delay; have had the same under consideration, and have instructed me to report the following resolutions, and recommend their adoption. All of which is respectfully submitted.

A. J. HAMILTON,
Chairman.

Resolved, 1st, That in the opinion of this Convention, it is necessary in this State, to a fair administration of the Laws of Congress upon the subject of the Reconstruction of the States lately in rebellion, to so change the provisions of said laws, as to transfer from the commander of the 5th Military District, to this Convention, the power and authority to appoint and to remove Registrars, for ascertaining and recording the qualified voters of the State of Texas.

Resolved, 2d, That this Convention respectfully but earnestly urge upon the Congress of the United States, the change indicated in the preceding resolution, at the earliest practicable moment.

Resolved, 3d, That the President of this Convention transmit to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, copies of these resolutions.

Mr. Hamilton, of Travis, moved to suspend the rules.

Rules were suspended, and resolution passed to a second reading.

Mr. Burnett moved the resolution be engrossed.

Carried.

On motion the resolution was put upon its third reading.

Mr. Mullins made the following minority report:

To the Hon. E. J. DAVIS,
President of State Convention:

Sir: I respectfully submit the following minority report: I do not believe it either necessary or proper for this Convention "to urge upon the Congress of the United States a change in the Reconstruction law, giving to this body the appointment of the Boards of Registrars in this State." It is a matter, in my judgment, over which the Convention, as such, has no control. Created by the Reconstruction Laws of Congress, it derives its power to act solely from those laws, and any action that it might take, beyond the formation of a Constitution, would be unauthorized. That its members, individually or collectively, have a right to petition Congress, as citizens, I do not question; but in its official capacity as a law-making power I do not think any such power exists, and such action I would deem a disrespectful assumption on our part, of the right to sit in judgment on the action of Congress. Again: The military commander, uninfluenced by local interests or prejudices, would be as likely, I think, to appoint impartial Boards of Registrars as we, who are, in a greater or less degree, liable to these influences. For hese and other reasons, I dissent from the majority of the Judiciary Committee.

Very respectfully,
W. H. MULLINS.

Rules were suspended, resolution was read a third time, and adopted.

Mr. Buffington moved to suspend rules, and take up report of Committee on Printing, in relation to newspapers for the Convention.

Rules were suspended.

Mr. Lindsay moved that the whole matter be re-committed to Committee on Printing, with instructions to report resolutions.

Carried.

The President announced a communication from the Commissioner of the General Land Office, which on motion of Mr. Evans, of McLennan, was referred to Committee on Public Lands.

Mr. Lindsay offered the following resolution:

Resolved, That the Committee on Printing is hereby authorized and instructed to contract for, and have printed, as speedily as practicable——copies of the Reconstruction Laws of Congress, for the use of the members of this body, and that said Committee report, &c.

Mr. Lindsay moved that the rules be suspended to take up resolution.

Rules were then suspended and resolution read a second time.

Mr. Caldwell moved to amend resolution by filling blank with two hundred.

Amendment accepted.

Mr. Degener moved that the resolution as amended be engrossed.

Carried.

Mr. Hamilton, of Travis, moved that the rules be suspended.

Carried.

The resolution was then read a third time and adopted.

Mr. Talbot offered the following resolution:

Resolved, That the Governor be requested to call upon the Commissioner of the Land Office to report to the Convention the general condition of his office, particularly upon the following points :

The condition of the lands and land certificates granted to Railroads.

The condition of the lands belonging to the School Fund; the quantity located and their location.

The condition of the University and Asylum Lands.

The quantity of Land Certificates issued during the rebellion, and upon what conditions and under what laws the same were issued.

And the quantity as nearly as possible of the unappropriated lands of the State and their locality.

Resolved, That the Governor be requested to transmit to the Convention the report of the Superintendent of Public Schools upon the condition of his office.

Resolution laid over one day.

Mr. Patten offered the following resolution:

Resolved, 1, That the Committee on Internal Improvements be instructed to inquire into the general and financial condition of the several Railroads and Railroad Companies of the State.

Resolved, 2, That the Comptroller be requested to furnish said Committee with a statement, showing the present indebtedness to the State of each company; also, what amount of interest has been paid, when, how, in what paid, and how much remaining unpaid.

Referred to Committee on Internal Improvements.

Mr. Evans, of McLennan, introduced a declaration declaring "there now exists in the State of Texas an unparalleled degree of lawlessness and violence, and to such an extent as to render property and life alarmingly insecure," &c.

On motion, the declaration was referred to the Special Committee on Lawlessness and Violence.

Mr. Yarborough offered the following resolution:

Whereas, A large amount of specie has been deposited in the General Land Office, prior to the year 1861, for the purpose of paying for patents and government dues on various pre-emptions belonging to the citizens of the State of Texas; and

Whereas, Said specie has been wrongfully dealt with, and claimants, many of whom are widows and orphans, have been so wrongfully dealt with, therefore be it

Resolved, That the Commissioner of the General Land Office be required, and that it shall be his duty to issue patents to the claimants, free of charge to said claimants, and charge the same to the State of Texas, and that the sum of $——— be appropriated out of the State Treasury to defray the expenses thereof.

On motion, the resolution was referred to Committee on Public Lands.

Mr. Munroe introduced the following resolution:

Resolved, 1, That so much of the Governor's message as refers to a division of the State, be referred to a Special Committee consisting of ten members.

Resolved, 2, That so much of the Governor's message as refers to a sale of a portion of the public domain, be referred to the Committee on Public Lands, and that they be instructed to report on the expediency of selling all the vacant and unappropriated public lands to the United States, after reserving a sufficient portion for public schools.

Mr. Burnett moved that the rules be suspended.

Rules were suspended.

The President decided that the second resolution offered by Mr. Munroe, of Houston county, was out of order.

Mr. Carter moved to amend the resolution by substituting fifteen instead of ten.

Amendment accepted.

Mr. Degener offered the following substitute for the resolution offered by Mr. Munroe:

Resolved, That a committee of fifteen be appointed by the President to take into consideration the division of the State, and that said committee be and is hereby instructed to investigate this matter, and if in the judgment of said committee, a division of the State is now expedient, that said committee be instructed to report to the Convention without delay, a plan of division and regulations for carrying out the same.

On motion of Mr. Smith, of Galveston, the second resolution offered by Mr. Munroe, of Houston county, in regard to a sale of the public lands, was referred to the Committee of Fifteen, to whom was referred the subject of a division of the State.

Mr. Patten moved that Evans, of McLennan, be added to Committee on Apportionment.

Mr. Talbot moved that Mr. McCormick be added to the Committee on Education.

Mr. Schuetze moved that Mr. Kuechler be added to Committee on Apportionment.

Mr. Lippard moved that Mr. W. Flanagan be added to the Committee on Apportionment.

Mr. Burnett offered the following resolution:

Resolved, That the Provisional Secretary of State is hereby respectfully requested to furnish the Chairman of each Standing Committee for the use of his Committee, one copy of "Paschal's

Annotated Digest of the Laws of Texas," the same to be returned to the State Library on the adjournment of the Convention.

Resolved, 2, That the same officer is hereby respectfully requested to direct the State Librarian to open the State Library to the members of this Convention at all reasonable hours.

Mr. Degener moved a suspension of the rules. Rules suspended.

Resolution again read, and on motion of Mr. Hamilton, of Travis, it was ordered to be engrossed.

Mr. Burnett moved a suspension of rules.

Rules were suspended, resolution read a third time and adopted.

The President announced the business before the Convention was the order of the day upon the resolution of Mr. Mills, adopted June 4th, for the reconsideration of the vote upon the passage of the resolution of Mr. Lippard, as amended by Mr. Smith.

Mr. Flanagan moved the indefinite postponment of the subject.

Withdrawn.

Upon the question to reconsider the vote upon the adoption of the resolution, the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Davis, Adams, Armstrong of Jasper, Bell, Bellinger, Board, Boyd, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Johnson of Harrison, Johnson of Calhoun, Kealy, Kuechler, Kirk, Lieb, Lindsay, Mackey, McCormick, Mills, Morse, Mundine, Pedigo, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Sorrell, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright, Yarborough—59.

Nays—Bledsoe, Bryant of Harris, Burnett, Coleman, Fayle, Hamilton, Hunt, Jordan, Kendal, Lippard, Long, Newcomb, Oaks, Phillips of San Augustine, Ruby, Smith of Galveston, Smith of Marion, Sumner, Whitmore, Williams, Wilson of Milam—21.

So the motion to reconsider prevailed.

Mr. Flanagan moved to indefinitely postpone the consideration of the subject, pending which, upon motion, the Convention adjourned until three o'clock.

THREE O'CLOCK, P. M.

Roll called; quorum present.

The President announced that the question before the Convention was the motion to indefinitely postpone, as proposed by Mr. Flanagan, pending which the Convention adjourned.

Mr. Caldwell moved that Mr. Flanagan be allowed to withdraw his motion.

Motion withdrawn.

Mr. Caldwell introduced the following amendment:

Provided, That any member who may decline to take said oath shall file his reasons therefor, which shall be forwarded to the Commander of the Fifth Military District for his action.

Mr. Lippard introduced the following amendment to the amendment:

"Said oath to be administered by the Secretary."

Mr. Varnell introduced the following resolution:

Resolved, That the matter under consideration be postponed to, and made the special order of the day for the tenth day of October, 1868, 11 o'clock A. M., of said day.

Upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. Adams, Armstrong of Jasper, Bell, Board, Boyd, Brown, Bryant of Grayson, Buffington Carter, Cole, Constant, Degener, Evans of McLennan, Flanagan, Flanagan W., Fleming, Gaston, Glenn, Goddin, Gray, Hamilton of Travis, Harris, Harne, Johnson of Calhoun, Kealy, Kuechler, Kirk, Lindsay, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Patten, Phillips of Wharton, Posey, Rogers, Scott, Sorrell, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wright and Yarborough—47.

Nays—Messrs. President, Bellinger, Bledsoe, Bryant of Harris, Butler, Burnett, Caldwell, Coleman, Downing, Fayle, Foster, Grigsby, Hamilton of Bastrop, Hunt, Johnson of Harrison, Jordan, Kendall, Leib, Lippard, Long, McWashington, Newcomb, Oaks, Phillips of San Augustine, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Milam—34.

So the resolution was adopted.

The President announced that the order of business was the Declaration offered by Mr. Webster Flanagan, as amended by Mr. Varnell on the 6th inst. upon the amendment. The yeas and nays were called and resulted as follows:

Yeas—Messrs. Adams, Bellinger, Board, Boyd, Brown, Caldwell, Carter, Coleman, Evans of McLennan, Fayle, Flanagan, Flanagan Webster, Glenn, Harris, Johnson of Harrison, Johnson of Calhoun, Kendal, Kirk, Lippard, Long, McWashington, Morse, Muckleroy, Munroe, Newcomb, Oaks, Patten, Ruby, Smith of Galveston, Smith of Marion, Sorrel, Stockbridge, Varnel, Wilson of Milam, Yarborough—36.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Cole, Constant, Curtis, Degener, Downing, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harne, Hunt, Jordan, Kealy, Kuechler, Leib, Lindsay, Mackey, McCormick, Mills, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—48.

So the amendment was lost.

Mr. Evans offered the following amendment:

"Strike out eight dollars and insert five dollars per diem, and mileage five dollars for each twenty-five miles travel."

Mr. Caldwell moved to lay the amendment on the table. The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. President, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Coleman, Constant, Curtis, Degener, Fayle, Fleming, Foster, Gaston, Glenn, Goddin, Gray. Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harris, Harne, Hunt, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright, Yarborough—62.

Nays—Messrs. Adams, Armstrong of Jasper, Boyd, Bryant of Grayson, Burnett, Downing, Evans of McLennan, Flanagan, Flanagan W., Johnson of Harrison, Kirk, Long, Munroe, Newcomb, Oaks, Patten, Scott, Slaughter, Smith of Marion, Sorrell, Whitmore, Wilson of Milam—22.

Amendment laid on the table.

The question recurring upon the adoption of the original declaration,

Mr. Smith, of Galveston, offered the following amendment:

"Strike out eight dollars per diem, and insert twelve dollars, instead of per diem and travel."

Mr. Carter offered the following amendment to the amendment:

Resolved, That the resolution be amended by substituting eight dollars and fifty cents as the per diem pay of each member.

Mr. Hamilton, of Travis, moved to lay the amendment of Mr. Smith upon the table, upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harne, Hunt, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright and Yarborough—62.

Nays—Messrs. Adams, Board, Boyd, Coleman, Flanagan, Flanagan Webster, Glenn, Harris, Johnson of Harrison, Lippard, Long, Morse, Newcomb, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Varnell, Vaughan—21.

So the amendment laid on the table.

Mr. Caldwell moved the previous question, upon the passage of the original declaration.

The previous question being seconded, the main question being the engrossment of the resolution, it was ordered.

The question recurred upon the second reading of the original declaration, the yeas and nays were called which resulted as follows:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Degener, Downing, Fayle, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harris, Harne, Hunt, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Slaughter, Smith of Marion, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright and Yarborough—70.

Nays—Messrs. Boyd, Evans of McLennan, Flanagan, Flanagan W., Glenn, Johnson of Harrison, Long, Morse, Newcomb, Oaks, Patten, Ruby, Scott, Smith of Galveston, Varnell—15.

The question recurring upon the engrossment of the declaration, it was ordered to be engrossed.

On motion, the Convention adjourned till ten o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JUNE 9, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Vaughan, from the Committee on Printing, reported as follows:

HON. E. J. DAVIS,
President of the Convention.

SIR—The majority of the Committee on Printing, to which was recommitted the propositions for the purchase of newspapers for the use of the Convention, beg leave to report herewith a resolution for the purchase of twenty copies of the "Austin Daily Republican" for each member of the Convention. That twenty copies for each member can be procured at 6¼ cents per copy, and that ten copies for each member cannot be procured for less than 10 cents per copy; said papers will contain the journals and a condensed report of the debates of the Convention, and will be laid upon the desks of members daily at the hour of 9 o'clock, A. M.

F. A. VAUGHAN.
For the majority of Committee.

Resolved, 1st, That the Chief Secretary of the Convention be and he is hereby instructed to subscribe for twenty copies of th "Austin Daily Republican" for each member of the Convention. *Provided*, said papers shall contain each day the journal of the preceding day's proceedings of the Convention and a fair synopsis or condensed report of the debates of the same; and provided further, that not more than 6¼ cents be charged for each copy of said paper.

Resolved, 2d, That the certificate of the Secretary of the Convention will be sufficient to authorize the Comptroller to draw upon the Treasurer for such sum as may become due for the subscription for said papers.

Mr. McCormick moved to suspend the rules and take up the report.

Carried.

Mr. McCormick moved the adoption of the resolution reported by the Committee.

Mr. Hamilton, of Bastrop, offered the following amendment:

"Amend by giving members choice of Republican papers to the number to which they shall be entitled, and that the Secretary be instructed to order the papers accordingly."

Mr. Burnett moved to lay the amendment on the table, upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Board, Burnett, Coleman, Fleming, Grigsby, Lindsay, McCormick, Mills, Muckleroy, Phillips, of San Augustine, Smith, of Marion, Sumner, Vaughan, Wilson, of Brazoria, Yarborough.—15.

Nays—President, Armstrong, of Jasper, Bell, Bellinger, Bledsoe, Boyd, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Webster Flanagan, Foster, Gaston, Glenn, Goddin, Gray, Hamilton, of Bastrop, Hamilton, of Travis, Harris, Harne, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McWashington, Morse, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, of Galveston, Sorrell, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson, of Milam, Wright.—69.

So the Convention refused to lay the amendment on the table.

Mr. Ruby moved the adoption of the amendment.

Mr. Mullins moved the following amendment to the amendment of Mr. Hamilton:

Amend by inserting "any paper," instead of any Republican paper, provided the price is uniform.

Mr. Lippard moved the previous question.

Previous question not seconded.

Mr. Whitmore moved to lay the amendment offered by Mr. Mullins upon the table, upon which the yeas and nays were ordered and resulted as follows:

Yeas—Bellinger, Bledsoe, Board, Brown, Bryant, of Harris, Burnett, Caldwell, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton, of Bastrop, Hamilton, of Travis, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kendal, Kuechler, Lippard, Long, McCormick, McWashington, Mills, Morse, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright and Yarborough.—59.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Bell, Boyd, Bryant, of Grayson, Buffington, Butler, Cole, Webster

Flanagan, Gaston, Glenn, Gray, Harris, Harne, Kealy, Kirk, Leib, Lindsay, Mackey, Muckleroy, Mullins, Mundine, Pedigo, Sorrel, Thomas.—26.

So the amendment to the amendment was laid on the table.

Mr. Degener moved the following as an amendment to the amendment of Mr. Hamilton:

Strike out "Republican" and add at the end, "provided that the paper of his choice print the journals of this Convention."

Mr. Goddin moved to lay the amendment offered by Mr. Degener on the table.

A division was called and the yeas and nays demanded, which resulted as follows:

Yeas—Armstrong, of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant, of Harris, Buffington, Burnett, Caldwell, Carter, Coleman, Constant, Curtis, Downing, Evans, of McLennan, Fayle, Flanagan, Foster, Goddin, Grigsby, Hamilton, of Bastrop, Hamilton, of Travis, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Kendal, Lippard, Long, McCormick, McWashington, Mills, Morse, Munroe, Oaks, Patten, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Yarborough.—53.

Nays—Messrs. President, Armstrong, of Jasper, Bell, Boyd, Bryant, of Grayson, Butler, Cole, Degener, Webster Flanagan, Fleming, Gaston, Glenn, Gray, Harris, Jordan, Kealy, Kuechler, Kirk, Leib, Lindsay, Mackey, Muckleroy, Mullins, Mundine, Newcomb, Pedigo, Schuetze, Scott, Sorrel, Talbot, Thomas, Wright.—32.

So the amendment of Mr. Degener was laid upon the table.

Mr. Thomas offered the following substitute:

Resolved, That the Committee on Printing are authorized to contract for the publication of nine hundred copies daily of the journal of this Convention, provided the cost of said publication shall not exceed one thousand dollars currency per month.

Mr. Burnett moved to adjourn till 3 o'clock.

The President asked that the motion to adjourn be withdrawn for the purpose of announcing the following Special Committee on the division of the State:

Munroe, Chairman; Degener, Johnson, of Calhoun, Wilson, of Brazoria, Slaughter, Pedigo, Ruby, Fleming, Armstrong of Lamar, Kealy, Flanagan, Vaughan, Keuchler, Mullins, Rogers.

Mr. Board asked that the rules be suspended to offer a resolution.

Rules were suspended.

1st. *Resolved*, By the Convention, that a A. P. O'Leary, a blind man, who is without ability to subsist himself, having been boarding with one of the unfortunate individuals who have just been burned out, and is now destitute and in great want.

2d. And that this resolution shall be sufficient to authorize the admission of the said O'Leary into the Blind Institute.

Mr. Burnett moved its reference to the Committee on State Affairs.

It was so referred.

Mr. Burnett moved to adjourn until 3 o'clock this afternoon.

The Convention refused to adjourn.

On motion the Convention adjourned until 9 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JUNE 10, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the following communication from the Secretary of State:

AUSTIN, June 9, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: In answer to a resolution of the Convention requesting the Provisional Secretary of State to direct the State Librarian to open the State Library to the members of this Convention at all reasonable hours, I beg to inform the members of the Convention that when Governor Pease came into office, the position of State Librarian was vacant, and there being no appropriation for the payment of a librarian, no appointment has been made.

The Superintendent of Public Instruction for this State, Hon. E. M. Wheelock, occupies the State Library room for an office.

No copies of Paschal's Digest of the Laws of Texas have been purchased by the State, and the Secretary of State has none under his control. There is no appropriation for the purchase of books.

Respectfully submitted,
W. C. PHILLIPS,
Secretary of State.

Mr. Munroe, from the Committee on Engrossed Bills, made the following report:

To the Hon. E. J. DAVIS,
President of the Convention:

The Committee on Engrossed Provisions, to whom was referred a declaration making an appropriation for the per diem pay and mileage of the members and the per diem pay of the officers of the Convention, having examined the same, beg leave to report it as correctly engrossed.

A. T. MUNROE,
Chairman of Committee on Engrossed Provisions.

Mr. Evans, of McLennan, from the Committee on Federal Relations, made the following majority report:

Hall of Representatives,
June 9, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

Sir: Your Committee on Federal Relations beg leave to report that they have had under patient consideration the propositions submitted to them, in reference to past ordinances, laws, etc., and beg leave to submit that the committee are unanimously in favor of the first and the second propositions, submitted to them, and recommend their adoption after striking out the words "local" and "municipal" in the second proposition, which does not change the same.

But your committee regret to say that upon the third proposition we are not unanimous; but a majority of your committee report that they endorse said third proposition, and ask that it do pass this Convention.

A. J. EVANS,
Chairman of Committee on Federal Relations.

Mr. Sumner made the following minority report:

We, the minority committee, would respectfully recommend that the following be added to the above declaration:

That this declaration shall confine itself to all laws and acts passed in aid of the rebellion, and all laws conflicting with the Constitution of the United States, and we would further recommend that the whole be respectfully referred to the Committee on the Judiciary.

Respectfully submitted,

F. W. SUMNER,
C. E. COLEMAN,
J. R. SCOTT,
A. L. KIRK.

Mr. Gray, Chairman of the Committee on State Affairs, made the following report, with accompanying resolution:

To the HON. E. J. DAVIS,
President of the Convention:

The undersigned, Committee on State Affairs, to whom was referred a resolution defining and declaring the powers which this Convention may legitimately exercise, have had the subject matter of the resolution under consideration, and ask leave to submit the following report, as the result of their labors.

Your committee regard the questions presented as of great importance; yet, it is believed, the questions are not difficult of solution.

As declared in the first section of the proposed resolution, the right of this Convention to assemble depends wholly on the provisions of what is known as the Reconstruction Acts of Congress. At the close of the war, the President of the United States, in his proclamation, declared that the States in rebellion had deprived themselves of all civil government. There was not an officer within our borders authorized to execute civil law.

Any one at all acquainted with the history of the past knows that it is the established policy, as well as theory, of the National Government, that there exists no power, except in the political authority, to reconstruct the State government recently waging war.

Hence it follows, as a self-evident proposition, that this Convention is assembled here to-day in obedience to, and by the authority of the Government of the United States, as manifested through its officers and agents.

The second proposition contained in the proposed resolution, is as to the powers of this Convention.

By the fourth section of the first supplementary act, touching the reconstruction of the States recently in rebellion, among other things it is declared that "the Commanding General, within sixty days from the date of election, shall notify the delegates to assemble in Convention, at a time and place to be mentioned in the notification; and said Convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act and the act to which it is supplementary."

The language quoted from the act of Congress is in the nature of a command directed to the Convention, when engaged in the work of framing a constitution and organizing civil government; and it is only a constitution thus framed which this Convention is authorized to submit to the registered voters for ratification.

There is but one limit on the powers of this Convention, in framing a constitution, that is, that it be Republican in form, and the right to determine this question belongs exclusively to Congress. It was in aid of that provision of the Constitution of the United States which makes it the duty of the Government of the United States to guarantee to every State of the Union a Republican form of government, that the several reconstruction acts were passed. It is the opinion of your committee that Congress has conferred all necessary power on the Convention to frame a State constitution and civil government for Texas. It is believed that the acts of Congress do not limit the powers of this Convention.

It is apparent that this Convention may or ought to exercise just such power, and none other, as will result in the organization of a State government. Hence, your committee respectfully submit and recommend the adoption of the accompanying resolution, as a substitute for the original one under discussion. All of which a majority of the committee instruct me to report.

B. W. GRAY,
Chairman of Committee on State Affairs.

Resolved, 1st. That this Convention is assembled by the authority of and in obedience to the laws of the United States.

2d. That this Convention possesses the power to frame a Constitution and civil government for Texas, and that it is a question alone for this Convention to determine what ordinances, declarations and resolutions are necessary and proper to carry out the expressed will of Congress.

Mr. Gray, Chairman of the Committee on State Affairs, made the following additional report:

COMMITTEE ROOM,
AUSTIN, TEXAS, June 8, 1868.

To the HON. E. J. DAVIS,
President of the Convention:

The undersigned Committee on State Affairs, to whom the petition of W. R. Story has been referred, asking to be relieved of the disability of minority, have carefully examined the same, and submit the following report:

Your committee are of opinion that the relief sought does not properly come within the range of the duties of this Convention; being of a purely legislative character, it should be addressed to the Legislature. It would be wholly impracticable for the Convention to undertake the work of legislation, except of such general character as might be necessary and proper to organize civil government.

Your committee therefore ask that the petition be laid on the table.

Respectfully submitted,
B. W. GRAY,
Chairman.

Mr. Lindsay, from the Committee on the Judiciary, made the following majority report:

To the President of the Convention:

Mr. President:

The committee to whom was referred the declaration offered by the delegate from Rusk, providing "that all sales of property by Sheriffs in the State be, and the same are hereby suspended, until further action can be had therein," have had the subject under consideration, and the majority of the committee beg leave to submit the following report:

That regarding the powers and duties of the Convention as special and specific, and from the nature of the trust committed to its hands by the great body of its constituency, confined and restricted solely and exclusively to the formation of a written constitution for their adoption or rejection; they are unable to discover in the delegated authority to the Convention any power which would warrant the passage of the declaration proposed.

This body represents the whole political element of the State for a certain and definite object only, and it cannot respond to a mere fragment of it by any legislative action. It has no authority to afford relief, if relief it be, in any such way. It can neither legislate for the debtor nor for the creditor portion of the community. Nor are the committee, or the majority of it, prepared to concede the soundness of such legislation, if the Convention were invested with the power. Such interference between debtor and creditor would be the commission of a species of injustice which no civil government should indulge or tolerate; and the founders of our National Government, sagaciously foreseeing the tendency of local municipal governments thus to pervert the principles of natural justice, wisely imposed a check upon all the States against passing any law, organic or legislative, impairing the obligation of contracts. It must be borne in mind by the Convention that we are now living under a Provisional Government, in which all the powers of State are invested, subject to the supervision and control of the military authority, established over it by the acts of Congress, until such time as this Convention shall have completed its special labors and they shall have received the ratification of the people of the State and the guarantee of the National Government. If then any relief could be afforded, as contemplated by the declaration, the appeal would have to be made necessarily to the Provisional Government, and not to this Convention.

In our judgment, the Convention equally depart from the sphere of its duty to memorialize the Provisional Government to grant the relief sought for, as, in the opinion of the majority of the committee, the assumption of such power by the military and Provisional Government would be violative of the Constitution of the United States.

All of which is respectfully submitted.

L. LINDSAY,
JAMES R. BURNETT,
W. H. MULLINS,
W. R. FAYLE,
A. J. EVANS.

Mr. Hamilton, of Travis, Chairman of the Judiciary Committee, offered the following minority report and resolution:

COMMITTEE ROOM,
June 9, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: A minority of the Committee on the Judiciary, to whom was referred the ordinance introduced by Mr. J. W. Flanagan, in reference to the suspension of forced sales, are not able to agree with the recommendations made in the majority report. We fully concur as to the legal principles upon which the majority report reposes, and agree that this Convention has no power to grant the relief sought.

We believe that the social, political and financial condition of the State is so peculiar and so embarrassing as to fully justify us in calling upon the military officer in command of this District, whose powers are believed to be plenary for the relief sought. We therefore submit herewith a resolution as a substitute for the original resolution, with the recommendation that said substitute be passed.

A. J. HAMILTON,
A. P. McCORMICK,
C. CALDWELL,
H. C. PEDIGO.

Resolved, 1st. That it is the opinion of this Convention that the social, political and financial condition of this State is so peculiar and so embarrassing that the public good would be promoted by the suspension of all process for the enforcement of judgments sounding in debt or damages. That this Convention has no power to make the required provision, but are of opinion that the military commander of the Fifth Military District is clothed with sufficient power, and we therefore respectfully urge the subject upon his attention and request him to make said provision by general order.

Resolved, 2d. That the President of this Convention is requested to transmit these resolutions to the Headquarters of the Fifth Military District, and have the same brought to the attention of the commander in such a manner as will be most likely to secure his prompt and favorable action on the same.

Mr. Bledsoe offered the following resolution:

Resolved, That I be permitted to go before the Speaker's desk and have him administer to me what is known as the iron clad oath.

Resolution laid over one day under rule.

Mr. Armstrong, of Lamar, offered the following declaration, and moved its reference to Committee on Finance.

It was so referred.

A Declaration for the relief of R, S. Brame, Assessor and Collector of Lamar County.

Whereas, on the 26th night of December, A. D. 1866, the store house of Messrs. Travis, G. Wright, and Ed. Gibbons, merchants, trading in the city of Paris, Lamar county, Texas, was burglariously entered, and the sum of $2,339 93 abstracted from the safe of said Wright and Gibbons, it being the amount of State and County Taxes collected by Richard S. Brame, the Assessor and Collector of the Taxes for Lamar county, and deposited in said safe.

And Whereas, the facts being made known to Gov. Throckmorton, the collection of the State Tax was by him suspended. The County Court of Lamar county, by order of the same, released said Assessor and Collector of any liability for losses sustained by said county, which amounted to the sum of $881 $\frac{2}{3}$.

Therefore, We, the People of the State of Texas, in Convention assembled, do hereby declare that Richard S. Brame, Assessor and Collector of Taxes for the county of Lamar, be, and he is hereby discharged from any liability whatever, in consequence of the amount so abstracted from the safe of Wright and Gibbons, on the night of the 26th December, 1866.

Mr. Degener offered the following ordinance, and asked its reference to the Committee on Finance.

It was so referred.

AN ORDINANCE

Explanatory and defining the Legal Tender Acts, passed by the 37th Congress of the United States, 1861 *and* 1862.

We, the people of Texas, in Convention assembled, acknowledging that the Constitution of the United States, and the laws passed in pursuance thereof, are the supreme law of the land, declare

1st, That the citizens of Texas had, and have now the undoubted right to bind themselves for the payment of gold or silver, or its equivalent in the legal tender coin of America.

2d, That the Legal Tender Act of the Congress of the United States, was not intended to, nor does it restrict, alter, modify, or change the above specified right; and therefore ordain

That the Courts of Texas shall hereafter conform their decisions to the time, intent and meaning of the contracts which may come before them for adjudication; unless the Supreme Court of the United States shall declare that the said Legal Tender Act applies to all the personal contracts of the citizens of the United States, without regard to the forms of their contract.

The President announced, that the unfinished business of yesterday was the report of the Committee on Printing, and upon the substitute offered by Mr. Thomas.

Mr. Newcomb, by consent of the House, rose to make a personal explanation in reference to an attack in the *Republican* upon him as Editor of the San Antonio *Express*.

Mr. Caldwell commenced a reply to the explanation of Mr. Newcomb.

The Chair decided that Mr. Caldwell was out of order.

Mr. Hamilton, of Travis, appealed from the Decision of the Chair to the Convention; and upon the question, "Shall the appeal be sustained?" the yeas and nays were demanded, which resulted as follows:

Yeas—Messrs. Armstrong, of Jasper, Bryant of Harris, Buffington, Carter, Constant, Glenn, Goddin, Grigsby, Hamilton, of Travis, Harne, Kirk, Mackey, McCormick, Mundine, Pedigo, Posey, Schutze, Scott, Smith, of Marion, Sumner, Whitmore, Wilson, of Brazoria, Wright—23.

Nays—Messrs. Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant, of Grayson, Butler, Burnett, Cole, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, W, Flanagan, Fleming, Foster, Gaston, Gray, Hamilton of Bastrop, Harris, Hunt, Johnson, of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, McWashington, Mills, Morse, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Ruby, Slaughter, Smith, of Galveston, Sorrel, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson, of Milam—57.

So the decision of the Chair was sustained.

The President announced that the next order of business was upon the resolution reported by the Committee on Printing.

Mr. Burnett moved the previous question.

Seconded.

Upon the question, "Shall the main question be now put?" It was so ordered.

The question recurring upon the engrossment of the resolution,

Mr. Degener demanded the yeas and nays, which resulted as follows:

Yeas—Armstrong of Lamar, Bellinger, Board, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Downing, Evans of McLennan, Fayle, Flanagan, Fleming, Foster, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harne, Johnson, of Calhoun, Kealy, Lindsay, Mackey, McCormick, Mills, Mundine, Pedigo, Phillips, of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith, of Marion, Sorrel, Sumner, Varnell, Vaughan, Wilson of Milam, Wright, Yarborough—43.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Bell, Bledsoe, Boyd, Brown, Bryant, of Grayson, Bryant of Harris, Butler, Curtis, Degener, W. Flanagan, Gaston, Glenn, Hamilton, of Bastrop, Hunt, Johnson, of Harrison, Jordan, Keigwin, Kendal, Kuechler, Kirk, Leib, Lippard, Long, McWashington, Morse, Mullins, Munroe, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Stockbridge, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria—43.

Being a tie vote, the President decided that the Convention refused to engross the resolution.

Mr. Newcomb offered the following resolution:

Resolved, That the Committee on Printing is hereby instructed to contract for the publication of the Journal of the proceedings of this Convention, one thousand copies of each day's journal to be furnished upon the desks of members, before the opening of the morning session.

Ruled out of order.

The President announced that the next business in order was upon the Declaration reported by the Committee on Contingent Expenses, fixing the *per diem* pay of delegates and officers of the Convention.

Mr. Evans, of McLennan, moved the adoption of the Declaration.

It was read a third time and passed.

The President announced that the next business in order was the

Resolution offered by Mr. Talbot, on the 8th inst., and laid over under the rules.

Mr. Burnett moved the adoption of the Resolution. Adopted.

Mr. Evans, of McLennan, being in the chair, Mr. Davis, of Nueces, offered the following resolution, and asked that the rules be suspended, that the resolution may be put upon its passage.

Rules suspended.

Resolved, That the Secretary of the Convention order two thousand copies of the Daily Austin Republican, at five cents per copy; five hundred copies of the tri-weekly Freie Presse of San Antonio, and four hundred copies of the San Antonio daily Express, for the use of members of this Convention. *Provided*, That these papers shall publish the journal of the Convention; and that the price of the two last shall not exceed eight (8) cents per copy.

Mr. Caldwell offered the following amendment:

"Amend by striking out four hundred copies of the San Antonio Express."

Mr. Hamilton, of Bastrop, moved to lay the whole matter upon the table. Motion withdrawn.

Mr. Evans, of McLennan, moved a division of the question. Carried.

The question recurred on laying the amendment offered by Mr. Caldwell on the table, upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. President, Armstrong, of Lamar, Bell, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant of Harris, Butler, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Flanagan, Webster, Foster, Goddin, Gray, Hamilton, of Bastrop, Harris, Hunt, Johnson of Harrison, Keigwin, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Morse, Oaks, Patten, Phillips, of San Augustine, Ruby, Schuetze, Slaughter, Smith, of Galveston, Talbot, Thomas, Whitmore, Williams, Wilson of Milam, Yarborough—44.

Nays—Messrs. Adam, Armstrong, of Jasper, Bellinger, Boyd, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Fleming, Gaston, Glenn, Grigsby, Hamilton, of Travis, Harne, Johnson, of Calhoun, Jordan, Kealy, Kirk, Lindsay, Mackey, McCormick, Mills, Mullins, Mundine, Munroe, Phillips, of Wharton, Posey, Rogers, Smith, of Marion, Sorrel, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Wilson, of Brazoria, Wright—40.

So the amendment was laid on the table.

The question recurred upon laying on the table the original resolution offered by the delegate from Nueces, which motion was lost.

Mr. Sumner offered the following amendment:

"Amend by making the number of the Austin Republican two thousand copies, at five cents per copy."

Mr. Degener offered the following substitute:

Resolved, That the Committee on Printing be instructed to furnish each member with ten copies of the Journal of this Convention, and to contract therefor with the lowest republican bidder. *Provided*, That henceforth the Journal be furnished one day after the respective sessions took place.

Mr. Hamilton, of Travis, moved to lay the substitute on the table. Carried.

Mr. Armstrong moved to adjourn until to-morrow morning, 9 o'clock. Lost.

The question recurring on the amendment offered by Mr. Sumner, it was adopted.

The question now recurring upon the adoption of the resolution as amended offered by Mr. Davis, of Nueces, Mr. Smith, of Galveston, moved the previous question, which was seconded. And upon the question, "Shall the main question be now put?" the yeas and nays were ordered, which resulted as follows:

Yeas—Messrs. President Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Butler, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, Flanagan Webster, Fleming, Foster, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harne, Hunt, Johnson, of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Munroe, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—72.

Nays—Adams, Armstrong, of Jasper, Boyd, Burnett, Gaston, Glenn, Hamilton of Bastrop, Keigwin, Kirk, Mullins, Posey, Sorrel, Thomas, Varnell—14.

So the main question was ordered.

The question then recurred upon the engrossment of the resolution, when it was ordered to be engrossed.

On motion, the rules were suspended and the resolution put on its third reading.

Mr. Flanagan offered the following amendment:

Provided, That the Austin Republican shall publish a synopsis of the debates. Amendment withdrawn.

The question then recurred upon the passage of the resolution. And the resolution was adopted.

Mr. Hamilton, of Travis, offered the following resolution:

Resolved, That the President of this Convention appoint a special committee of five, to investigate the administration of the financial affairs of the State Penitentiary, since August, 1866; and that they report the same, showing the difference, if any, between the assets at the date referred to and the present time; and that said committee have power to take testimony and to send for persons, records and papers.

Mr. Burnett moved a suspension of the rules, to put the resolution upon its passage.

The rules were then suspended and the resolution adopted.

Mr. Burnett moved a further suspension of the rules, and that the resolution be engrossed.

It was ordered to be engrossed.

Mr. Butler moved a further suspension of the rules, to put the resolution upon its third reading.

Rules suspended, resolution read third time and passed.

Mr. Smith, of Galveston, offered the following resolution:

WHEREAS no provision having been made to publish the debates of this Convention: Therefore be it

Resolved, That the services of the gentleman employed at fifteen dollars per day, to report the debates, be and are hereby dispensed with.

Resolution went over under the rules.

On motion, the Convention adjourned till 10 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JUNE 11, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

By consent of the Convention, the President instructed the Secretary to read a communication from the official reporter of the Convention.

AUSTIN, June 10, 1868.

To the Hon. E. J. DAVIS,
President of Texas Constitutional Convention:

Sir: I have just learned, with no small degree of astonishment, through Dr. Smith, of Galveston, and other members of the Constitutional Convention, that I am credited with being the regular correspondent of Flake's Bulletin, and the writer of a recent letter to that paper containing strictures on the proceedings of this body that were offensive to some of its members. Permit me to state, that there is not a shadow of foundation for such rumor. I do not know Mr. Flake, have no relations with him whatever, and am as ignorant of the purport of the letter in question as I am of what is now transpiring at the Antipodes. Moreover, I should consider it, to say the least, in exceeding bad taste, were I, as an officer of this Convention, to make myself a party to any dispute that may divide its members; and a decided dereliction of duty, were I to become a correspondent or regular contributor to any journal while holding my present position.

I feel that this disclaimer is due to myself, and I trust it will be satisfactory to those gentlemen whose minds have been misled and misinformed on this matter.

I have the honor to be, Sir,
Your obedient Servant,
JOHN TOVELL,
Official Reporter Constitutional Convention.

The President announced the receipt of the following communication from his Excellency Governor E. M. Pease, transmitting report of the Superintendent of Public Instruction, in response to a resolution introduced by Mr. Talbot on the 9th instant.

EXECUTIVE OFFICE, AUSTIN,
June 10, 1868.

Hon. E. P. DAVIS,
President of the Constitutional Convention:

Sir: I have the honor to acknowledge the receipt of your letter of this date, inclosing a copy of the Resolution offered by Mr. Talbot, Chairman of the Committee on Education, asking for certain information from the Commissioner of the General Land Office; and also requesting me to transmit to the Convention the Report of the Superintendent of Public Schools, upon the condition of his office.

In reply, I beg leave to transmit herewith the Report of the Superintendent of Public Instruction, which, I presume, is the Report desired.

A copy of the Resolution has this day been sent to the Commissioner of the General Land Office, asking him to furnish the information desired from his office, which will be transmitted to the Convention as soon as it can be made out.

Very respectfully,
Your obedient Servant,
E. M. PEASE.

AUSTIN, TEXAS, May 30, 1868.

TO HIS EXCELLENCY E. M. PEASE,
Governor of the State of Texas:

In accordance with your instructions I have the honor to submit the following report, embracing a summary of what has been done hitherto for the maintenance of public education in Texas; together with such suggestions as may be of use in founding a system of permanent public schools.

While Texas remained as a frontier province of Mexico, with a small white population in scattered settlements, open on every side to the inroads of the wild tribes of the Plains, no provision could be made for public instruction.

In 1836, in the organic act which broke the federal relation with Mexico, and declared Texas an independent republic, it is made "the duty of Congress, as soon as circumstances shall permit, to provide by law a general system of education." Accordingly, three years later, an act was passed granting to each county three leagues of land for school purposes. In the following year a board of school commissioners for each county, consisting of the chief justice and two associate justices, were appointed, with power to locate and survey these lands; while an additional league was granted to each county, which the board were empowered to sell at their discretion, and apply the proceeds, one-half for the use and benefit of an academic school for each county, and the remainder to be distributed equally among the various primary schools.

It was subsequently provided that these lands should not be sold or disposed of save by lease, and that for a limited term of years. As there was no possibility of leasing lands, the provision simply amounted to a prohibition of their sale. In view of the vast amounts of land that were then being thrown upon the market at a nominal price, the restriction was a wise one, and prevented the waste of this liberal grant.

At that time the Congress of the Republic could do nothing more for the cause of popular education than to lay the foundation that aftertimes might develop into a permanent school fund such as has not heretofore fallen to any community.

At the close of the year 1845 occurred the annexation of Texas.

The convention that then framed the State constitution found the endowment in this condition, and by article ten confirmed the restriction on sales in the act of 1839, and extended the benefits of the grant to all the other counties established subsequently to the passage of that act.

By this legislation a grand total of 520 leagues, or 2,302,560 acres was set apart to the one hundred and thirty organized counties of the State, as the basis of a perpetual school fund. About five-sixths of this amount has been located and surveyed.

The Legislature was also enjoined "to make suitable provision for the support of schools;" "to establish free schools throughout the State, furnish means for their support by taxation on property," and "to set apart not less than one-tenth of the revenue of the State, derivable from taxation, as a perpetual fund, which shall be appropriated to the support of free public schools, and entitled the General Common School Fund."

Laws from time to time were passed in accordance with this article of the organic law, and the fund thus accruing amounted in 1855 to $128,668.

In January, 1854, a great forward step was taken. The sum of two millions of dollars in United States bonds (being a portion of the ten millions indemnity paid by the Federal Government to Texas, in settlement of boundary claims), was set apart as a special school fund; the interest arising therefrom to be applied toward the payment of teachers' salaries; while the income from the general school fund, derivable from the one-tenth taxation, was to be devoted to the payment of the school rates of indigent pupils. The chief justices and county commissioners were required to form their respective counties into school districts of convenient size, and to order an annual election in each district of a board of trustees who were charged with the school interests of their districts. The assessor and collector of each county was enjoined to take a yearly census of all persons of schoolable age, which census became the basis of the money distribution. The State Treasurer was made ex-officio superintendent of common schools.

This law, copied from the successful school experience of older States, was, in its general scope, progressive and satisfactory. It might well have been made the basis of an efficient public school system, carrying instruction by force of law into every village and settlement of the State.

But it was soon found that legislation had outrun public opinion. Many of the officers named in the law were remiss in the performance of duty; but partial returns were received from the counties; not one-fourth of the school districts complied with the conditions upon which the distribution of the fund depended, so that the greater portion of the moneys distributed through the years 1854-5 remained in the hands of the county officers. There was no one charged with supervision; no officer set apart to lend force and impulse to the machinery of the law. The Treasurer, absorbed in the more legitimate duties of his office, could give to education but incidental and casual attention: above all, the spirit of slave society, always and essentially aristocratic, was adverse to the education of the people.

At the end of two years the common school law of 1854 was repealed or materially changed, the district system abolished, and the board of trustees dispensed with; it being provided in their place that "all schools, the teachers of which shall make a tabular return of attendance to the county courts, shall be public schools."

By another section of the act of 1856, authority was given to loan the special school fund to railroad companies under certain conditions; the companies giving first mortgage bonds payable in ten years at six per cent. in specie, with a further annual payment of two per cent. as a sinking fund.

The general school fund received from one-tenth taxes and the special school fund of $2,000,000 were blended and made one, and the income from both assigned to the use of the scholastic population, as follows: First, in payment of the tuition of indigent children, especially orphans, and the children of widows; the balance to the paying patrons of the schools pro rata.

This plan of loaning the school moneys was judicious, and under wise restrictions would have been a safe investment. But instead of confining the loan to a few prominent trunk-lines until completion, charters were indiscriminately granted, and State aid unwisely extended to companies without responsibility or capital. The fund thus scattered served to begin many roads, and to finish none. The companies, without income or credit, and loaded with debt, began even before the war to fail to comply with their obligations to the school fund; and the rebellion completed the suspension of payments, or authorized them to be made in worthless paper.

This act was amended, in some of its details, in 1858, and in accordance with its provisions the income of the fund was annually distributed to the counties until the civil war engulfed all.

The school resources were greatly strengthened this year (1858) by the important law of February 11, which added to the principal of the educational fund the proceeds of all sales of public lands. This law was repealed during the war. It should be re-enacted, and made irrepealable.

I have not been able to find any official statement or record of the yearly progress of education in Texas under these various laws; nor of the number of teachers and of schools. There seems to have been but little inspection, discrimination or progress. The Treasurer, in his reports, complains of the chronic remissness of the counties in forwarding data: in the year 1861, for instance, out of a total of one hundred and twenty-four organized counties, but "twelve of the county courts made their reports as required by law." While the

State was distributing upward of $100,000 annually for the support of public education, no summary of facts and school statistics were published or preserved. Such fragmentary data as were obtainable are here subjoined.

The Treasurer reports a disbursement for schools during the years 1854-5 of $27,137. For the six following years the amounts paid and the number of school children were as follows:

	Scholastic census.	Amount.	Per capita.
In 1856	72,826	$101,588	$1 38
In 1857	87,000	106,000	1 21
In 1858	102,772	105,855	1 03
In 1859	101,031	113,154	1 12½
In 1860	104,447	104,447	1 00
In 1861	105,200	65,224	0 62

Since 1861 no disbursements for schools have been made from the treasury.

In the first year of the rebellion the summary of the school fund was as follows:

Specie	$76,389 90
United States bonds	782,000 00
Interest coupons	17,675 00
Railroad bonds	1,635,500 00
Interest due	72,450 00
State warrants	8,518 24
Total	$2,592,533 14

In the destruction consequent upon the war, all of these funds that could be cashed, or made available, were sunk. Before the fifth of August, 1865, the total thus expended amounted to $1,285,327; for which, as the school fund had been declared permanent and inalienable, the State is in equity liable.

The railroad bonds alone were left. These roads have all forfeited their charters by non-payment of interest, and are almost hopelessly in arrears. With perhaps a single exception, they are regarded as insolvent. Omitting the arrears of the sinking fund, their condition is as follows:

Unpaid principal	$1,753,317 00
Interest due to March 1, 1868	450,140 00
Total	$2,203,457 00

The total now due may be summed up thus:

Due by railroads	$2,203,457 00
Due by the State	1,285,327 05
Specie in treasury	59,779 31
Currency	855 22
Total	$3,549,418 58

So nearly has this great endowment become extinct, that it is very doubtful whether, in its present condition, an annual income of thirty thousand dollars can be realized from it for the maintenance of schools.

The Convention of 1866 amended in some important respects article ten of the old constitution on education. It provided for a Board of Education and a Superintendent of Schools—the latter an office essentially necessary to the successful operation of a common school system. In addition to the school lands granted to the counties, it set aside the reserved sections of railroad lands, together with one-half of the proceeds arising from the sale of all public lands, as a basis for a perpetual school fund; and it wisely placed the county lands under the control of the Legislature, which was authorized to provide for their sale. But a clause of section six, giving to each county the power to negative the sale, rendered the provision valueless. The Legislature should have exclusive control of the school lands.

The railroad lands thus granted and yet unsold, amounting to 2,548,070 acres, added to the former grant, makes a total land endowment of 4,850,630 acres. If these lands are placed in the market gradually, in accordance with the annual demand of immigration and of a growing population, and sold on long credits with interest, they would, on the return of prosperous times, soon bring an average price of two dollars per acre. Before many years a fund could thus accrue of over nine millions of dollars. To these land endowments should be added, and made inalienable by the organic law, the remaining public domain.

The public lands of Texas, which a few years since amounted to 175,000,000 of acres, exceeding in size the combined area of all the States on the seaboard from Maine to Maryland; and which, if properly husbanded, would have sufficed for all demands of State revenue, of Education, and of Public Works, for many a year to come, have been so ingeniously lavished, that little now is left save Young's Territory, the sterile wastes of the Staked Plain, and the mountain ranges of El Paso.

With the exception of that portion ceded to the Federal Government, the State has realized comparatively nothing from its immense possessions: and but a few years more of special and speculative legislation is needed to dissipate, without remedy, the last fragment of the public lands. The prodigal past cannot be redeemed, but in this moment of fundamental change, we will, if we are wise, provide for the future.

The unsold lands of our State now offer the means of strengthening the wasted and ruined school fund to the height of every future demand. If neglected now, never again will the highest interests of the commonwealth find at our hands so propitious an occasion. The fund thus accumulated, while set apart as an inviolable educational resource for all coming years, could be invested (under such careful conditions as would give safety, strength and permanency to the plan) in the bonds of a system of main trunk railroad penetrating every section with vital lines of travel and of trade.

The provision of the old constitution, by which one-tenth of the annual revenue derived from taxation was added to the principal of the common school fund, is abolished by the constitution of 1866. It is recommended that at least double the former proportion be now set apart—not, however, to augment the principal of the fund, but to serve as an immediate means of income, and to be annually expended for the support of schools.

The State revenue may be estimated for the next five years at about $500,000 per annum, one-fifth of which would yield for public education $100,000. This amount, combined with whatever gleanings of income may be realized from the old fund, would suffice to set on foot a system of primary schools suited to the peculiarities of our country and population, and placing instruction within the reach of every child of whatever color, condition or race.

The sum asked for is not large, either as compared with the ability of Texas, or with the expenditure of other American States. Fifty-two per cent. of the ordinary taxation of Ohio is yearly expended in support of education. The State of Vermont, rocky and poor, with a stationary population of 315,000, and with a smaller aggregate of fertile soil than many a Texan county possesses, paid out in 1866 for common schools $421,441; while all other expenditures for carrying on the civil government were less than $193,000. Iowa, settled and admitted into the Union later than Texas, with a population in 1867 of 900,000, and with not a tithe of the natural wealth and resources of our commonwealth, expended last year upwards of two millions of dollars for public schools!

One-twentieth of that sum is not a large yearly appropriation for us, with a population of 800,000, of whom one-fourth are between the ages of five and eighteen.

In view of the fact that the Convention is about to assemble, to frame or revise the fundamental law of the State, I would respectfully suggest the desirableness of securing, in the educational clause of the new constitution, the following features of a school system:

1. A common school fund, consisting of whatever values may be realized from the wreck of the former fund; the proceeds of fines, forfeitures, estrays, and of the estates of deceased persons to which the State may become entitled by law; the county school lands; the reserved sections of railroad lands; the public domain not otherwise appropriated. The principal of the fund not to be diverted or diminished, and the income to be devoted to the support of common schools by the payment of the salaries of teachers.

2. One-fifth of the aggregate annual income of the State to be yearly expended as above.

3. The Legislature to be authorized to provide, by the levying of a tax, for the erection of school buildings, etc.

4. The supervision of public instruction to be vested in a Board of Education and a State Superintendent of Schools, whose powers and duties shall be prescribed by law.

5. The Legislature to provide by law, at the first session, for the division of the State into districts of convenient size, and for the inception of a general and uniform system of common schools, to continue at least four months in every year, equally open to all children between the ages of five and eighteen, wherein tuition shall be without charge, and every child of requisite age required to attend, unless educated by other means.

Thus, while the paramount law ordains that there *must* be a system of free primary schools, open to the entire youth of the State, it may properly refer to the Legislature the settlement of the details thereof: the construction of buildings, the salary of teachers, the method of instruction, the question of separate or mixed schools, the plan of supervision, and the whole apparatus of the law.

It seems to have been a cherished design of the people of Texas to establish an institution for the instruction of youth in the higher branches of learning; and by generous grants to so endow the same as to place within the reach of rich and poor the privilege of a liberal and thorough education. The President of the Republic was ordered, in 1839, to set apart 221,400 acres for this purpose. In 1856 one hundred thousand dollars in United States bonds and one-tenth of the railroad lands were also appropriated "for the establishment and maintenance of the University of Texas," and the lands were offered for sale on a credit of twenty years. The grant was ample; the lands were choice, and large amounts were readily sold at an average price of three dollars and thirty-four cents per acre. Of this fund $379,168 was destroyed during the civil war by the State authorities; and it is understood that considerable sums, the proceeds of the land sales, were paid in Confederate money.

The amount of the University fund now in the treasury is $134,472 in State paper. No practical steps have yet been taken toward the location and establishment of this institution. But when once our State is dotted with common schools in full operation, for the education of the children of the people, these will naturally require to be supplemented by High, graded and Normal schools, adapted to pupils of a larger growth, and these again crowned by a University.

A State University is indeed a logical necessity and outgrowth of the free school system, the head of the grand line of forces by which we would draw the whole people up to light and knowledge.

Of the value and need of public education little has been said in this report, for little need be said. Its own unquestioned utility lifts it above the support of argument. The imperative necessity of public schools, established for all, open to all upon equal terms, and upon principles common to all, has grown into a clear conviction, not liable to debate. The question is a closed one. With the American people, especially, the system of common schools is not an experiment. Since its early adoption upon the Atlantic shores, its growth has been continuous, and now, perfected by the experience of five generations, it is the chief glory of the Republic.

And this sense of the vital relation between free government and universal education has been deepened a hundred fold by the grand lessons of the war. Treason found no foothold among the educated commonwealths of the North and West. The public schools of the free States were the great bulwark of the imperilled Unity and Nationality. They were everywhere living fountains of loyalty and patriotism. No insurgent State had a practical free school system, and no loyal one was without it. The line of Free Schools divided the faithful and the rebel communities as sharply as did the contending camps. From that war we have emerged with changed purposes and an altered destiny. We are not the same people that we were; we can never be the same. To us the task is set to place our commonwealth in line with the nineteenth century, and to re-adjust the course of the ship of State for a new historic voyage. A civilization vitalized and energized by free schools is our chief need, and the education of youth our primary duty. Let the community in its organized capacity provide the bread of knowledge for all its children, and leaven with intelligence the whole mass of society. As the limits of citizenship widen, let us equally enlarge the capacity of the citizen.

There is nothing we ought not to do, there is no effort we ought not to make; there is no sacrifice, whether of money or of prejudice, we ought not to yield, rather than allow a generation into whose hands the ballot and the government is gravitating, to remain unfitted for their duties and destiny.

That so many of our people are grossly, dangerously ignorant, has long been a reproach and a moral stigma upon us; it is now something more—a question of self-preservation. In a country where all are rulers, all must be educated, or the lower level drags down all above.

Universal suffrage necessitates universal education.

Very respectfully,
E. M. WHEELOCK,
Superintendent of Public Instruction.

Mr. Talbot offered the following resolution:

Resolved, That the reading of the report of the Superintendent of Education be dispensed with. That the same be referred to the Committee on Education, and that the Committee on Printing be directed to contract for the printing of 1000 copies of the same for the use of the body.

Mr. Talbot moved that the rules be suspended to take up the resolution.

Carried.

Mr. Armstrong moved to amend the resolution by substituting "500" in the place of "1000."

Carried.

The resolution as amended passed to second reading and was ordered to be engrossed.

Mr. Talbot moved that the rules be suspended for the further consideration of the resolution.

Rules were suspended; resolution read third time and passed.

By order of the President, the Secretary read the following communication from Mr. Newcomb, of Bexar:

Mr. Secretary, please inform each member that they can have their numbers of the Express and Free Press mailed to any address from San Antonio. This will save double postage.

Mr. Gray, from Committee on State Affairs, reported as follows:

COMMITTEE ROOM,
AUSTIN, June 11, 1868.

To the HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on State Affairs, to whom was referred the resolution to admit J. P. O'Leary into the Institute for the Blind, have considered the same. Your committee have heretofore reported that this Convention was called to frame a Constitution and organize civil government, and that the labors of this Convention should be confined to that object. The object sought by the resolution, your committee are of opinion, is provided for by the laws of the State; they therefore ask to be discharged from further consideration of the subject.

Respectfully submitted,
B. W. GRAY.
Chairman Committee on State Affairs.

Mr. Buffington offered the following declaration, and asked its reference to the Judiciary Committee:

We, the people of Texas, in Convention assembled, do declare:

1st, That it shall be the duty of the Legislature to provide by law and enforce the collection of any back taxes that may be due and owing to the State.

2d. That it shall be the duty of the Legislature to repeal all laws, and parts of laws, giving time to redeem land sold for taxes. The Legislature shall by law make the sale of land by Assessors and Collectors absolute.

It was referred.

The President announced the Committee on Investigation of the Penitentiary, called for by the resolution of Mr. Hamilton, of Travis, adopted yesterday, to be:

Butler, Chairman; Goddin; Scott; Lindsay; Boyd.

Mr. Munroe offered the following resolution:

Resolved, That three of the committee to be appointed to examine into the condition of the State Penitentiary at Huntsville, are hereby directed to proceed to Huntsville to carry into effect the order of this Convention, and that the President designate said three members for the discharge of said duty.

Laid over under the rules.

Mr. Boyd offered the following resolution:

WHEREAS, A resolution having passed the Convention on the 10th day of December, A. D., 1868, authorizing the Secretary of the Convention to furnish so many papers of the Austin Republican, San Antonio Express, and San Antonio Free Press to each member, therefore be it

Resolved, That the Secretary be required to take the names of the few members who do not desire to take the said papers and place the amount to be expended for the same to their credit, instead of purchasing the said papers as provided in said resolution.

Mr. Boyd moved a suspension of the rules.

Rules not suspended, and resolution referred to Committee on Printing.

Mr. Thomas offered the following resolution:

Be it resolved by the people of Texas in Convention assembled, That the Constitution of 1845, as it existed in the year 1860, except wherein the said Constitution conflicts with the Constitution and laws of the United States, is the Constitution of the State of Texas, and that in the judgment of this Convention such alterations only should be made in said State Constitution as are necessary to adapt it to the Reconstruction Acts of Congress, and to the present condition and actual necessities of the people.

Mr. Thomas moved its reference to the Committee on Judiciary.

It was so referred.

Mr. Fayle offered the following resolution, and moved its reference to the Committee on Political or Legislative Provisions:

Resolved, That in all taxes accruing on any real estate owned by persons residing in another county, the payment of said taxes shall be at the option of the holder thereof in the county where he may reside or in the county where the property lies.

It was so referred.

Mr. Hunt offered the following resolution:

Be it resolved by this Convention, That the gratitude of the State of Texas is due in an eminent degree to those of her citizens who took up arms in defence of the Government of the United States during the late rebellion, and that a proper recognition of those services by the State is just and right.

Referred to Committee on State Affairs.

Mr. Caldwell offered the following resolution:

Resolved, 1st, That the Commanding-General of the District of Texas, the Governor, Judges of the Supreme and District Courts, have the privilege of the floor of Convention Hall within the bar.

2d, That any member shall have the privilege of inviting a friend to a seat within the bar of the hall.

Mr. Caldwell moved that the rules be suspended to take up resolution.

Rules suspended.

Resolution was then read a second time, and ordered to be engrossed.

Mr. Caldwell moved a further suspension of the rules.

Rules were suspended, resolution read a third time and passed.

Mr. Burnett offered the following resolution:

Whereas, F. Flake, Esq., Editor and Proprietor of Flake *Daily Galveston Bulletin*, has kindly proposed to furnish the members of this Convention, gratis, with copies of his excellent newspaper, during the session of this Convention; Therefore be it

Resolved, That the thanks of the members of this Convention be, and they are hereby respectfully tendered to Mr. Flake; that his kind proposition is accepted, and that we assure him that the same is duly appreciated.

Mr. Burnett moved that the rules be suspended to take up resolution.

Rules suspended, resolution read a second time, and ordered to be engrossed.

Mr. Armstrong, of Lamar, moved a further suspension of the rules, to put the resolution on its third reading.

Carried.

Rules suspended, resolution read a third time and passed.

Mr. Carter offered the following resolution:

Resolved, That the Congress of the United States, if not inconsistent with the relations existing between the Federal Government and the citizens of Texa , be respectfully petitioned to appropriate a sum sufficient to remunerate, in whole or in part, the citizens of the frontier of Texas, for their losses incurred by Indian depredations since the 25th April, 1865.

Mr. Carter moved to suspend rules, to allow consideration of resolution.

Lost.

The resolution was then referred to Committee on Federal Relations.

Mr. Wilson, of Brazoria, offered the following resolution:

Resolved, That the Committee on Printing be instructed to contract with the Austin *Republican* to publish a synopsis of the debates of this House, in the two thousand copies already subscribed to; *Provided*, that they charge not more than seven cents per copy.

Mr. Wilson moved that the rules be suspended, to allow consideration of resolution.

Rules suspended, resolution read a second time, and ordered to be engrossed.

Mr. McCormick moved a further suspension of rules, to put resolution on its third reading.

Rules were suspended, and resolution read a third time.

Mr. Caldwell moved to refer the resolution to the Committee on Printing.

Withdrawn.

Mr. Smith, of Galveston, moved it be referred to the Committee on Printing.

It was so referred.

Mr. Evans, of McLennan, moved that the Convention proceed to the consideration of the business upon the President's table.

The President announced the first business in order was the report of the Committee on State Affairs, upon the "powers which the Convention may legitimately exercise."

Mr. Evans, of McLennan, moved the engrossment of the resolution accompanying the report of the majority.

Resolution ordered to be engrossed.

The business next in order was the majority and minority report of the Committee on the Judiciary, upon the declaration respecting Sheriff s Forced Sales, introduced by Mr. Flanagan, of Rusk.

Mr. Evans, of McLennan, moved that the majority report be adopted.

Mr. Hamilton, of Bastrop, moved to adjourn until three o'clock this afternoon.

Motion withdrawn to allow the President to make a few remarks upon the necessity of printing the reports, resolutions, and declarations brought before the Convention.

Mr Mullins moved to adjourn until 10 o'clock to-morrow morning.

Motion withdrawn to allow Mr. Munroe to make the following report from the Committee on Engrossed Provisions.

Committee Room, June 10, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

Sir: The Committee on Engrossed Provisions, to whom was referred the following declarations, find them properly engrossed.

1st. A declaration for the purchase, for the use of the Convention, and the use of the State and future Legislatures, one hundred and fifty copies of "Paschal's Annotated Constitution of the United States."

2d. A declaration that the Committee on Printing are authorized and instructed to contract for, and have printed, as speedily as practicable, 200 copies of the Reconstruction Laws of Congress, for the use of the members of this body.

3d. A declaration of the opinion of this Convention, that it is necessary in this State, for a change in the Reconstruction Laws, in relation to the appointment of Registrars.

4th. A declaration, that the Provisional Secretary of State is respectfully requested to furnish the Chairman of each Standing Committee, one copy of "Paschal's Annotated Digest of the Laws of Texas;" the same to be returned to the State Library on the adjournment of this Convention.

5th. A declaration requesting the same officer to direct the State

Librarian to open the State Library to the members of this Convention at all reasonable hours.

Respectfully submitted,
A. T. MUNROE,
Chairman.

On motion the Convention adjourned until 9 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
June 12th, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Thomas, from the Committee on Printing, reported as follows:

To the Hon. E. J. DAVIS,
President of the Convention:

Sir: The Committee on Printing instruct me to report that they have contracted for the publication of two hundred copies of the Treasury Report, for the sum of twenty dollars, and a like number of the Reconstruction Acts for the sum of thirty-five dollars in currency.

Respectfully submitted,
JAS. W. THOMAS,
Chairman of Committee.

To the Hon. E. J. DAVIS,
President of the Convention:

Sir: The Committee on Printing to whom was referred the accompanying resolution offered by Mr. Wilson, of Brazoria, relating to the publication, in the Daily Austin Republican, of the Debates of this Convention, respectfully submit that they have conferred with Mr. Longley, the publisher of said paper, and find that he is willing to publish the debates in the two thousand papers contracted for by the Convention, for sixty dollars per day, which would increase the price of the papers to eight cents per copy. Mr. Longley, also, proposes to publish the debates for forty cents per square of eight lines nonpareil type. Your Committee are unable to determine, without some definite knowledge of the space the debates will occupy, which of the two propositions the Convention should accept, but are inclined to favor the former, and report back the resolution, with the amendment indicated for the consideration of the Convention.

Respectfully submitted,
JAS. W. THOMAS.
Chairman of Committee.

Resolved, That the Committee on Printing be instructed to contract with the Austin Republican for the publication of the debates of this Convention, in the two thousand copies of the paper already subscribed to, provided the charge shall not exceed eight cents per copy.

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Printing, to whom was referred the resolution of Mr. Boyd, asking in substance, that a proportionate part of the cost of certain newspapers, containing the proceedings of this body, be placed to the credit of the few members who do not desire them, have had the same under consideration, and are of opinion that the papers were not purchased for the benefit of members, but for the information of their constituents. In consideration whereof, your Committee recommend that said resolution do not pass, but that in lieu of it the one herewith submitted be adopted.

JAS. W. THOMAS,
Chairman of Committee.

WHEREAS, a resolution having passed the Convention, on the 10th day of June, 1868, authorizing the Secretary to furnish a certain number of the Austin Republican, San Antonio Express, and San Antonio Freie Presse to each member of the Convention; and whereas it having come to the knowledge of the Convention that certain members do not desire said papers:

Be it resolved, That the Secretary be required to take the names of all such members, and forward to the post offices of the counties which they represent, for distribution, the papers to which they are severally entitled

Mr. Munroe, from the Committee on Engrossed Provisions, reported as follows:

COMMITTEE ROOM,
June 11, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Engrossed Bills, to whom was referred the following resolutions, after examination, instruct me to report the same as correctly engrossed, viz:

6. Resolution requiring the Secretary of the Convention to order two thousand copies of the Republican of Austin, five hundred copies of the tri-weekly Freie Presse of San Antonio, and four hun-

dred copies of the San Antonio daily Express, for the use of members of this Convention.

7. Resolution, That the President of the Convention appoint a special Committee of Five (5) to investigate the financial affairs of the State Penitentiary, since August, 1866, &c.

Respectfully submitted.

A. T. MUNROE,
Chairman.

Report adopted.

Mr. Degener offered the following Declaration:

ARTICLE ON CORPORATIONS.

SECTION 1. Any two or more persons, whether citizens of this State or not, may associate themselves as a corporation, and upon lodging in the office of the Secretary of State their articles of association, and recording the same in the county wherein their principal office is established, may, in their corporate capacity, and under a corporate name, indicating the object of the association, engage in any kind of business, with the same powers as a natural person, a citizen of this State. The articles of association shall define the object and powers of the corporation, its duration, the mode of conducting the business, and the individual liability of its members.

SEC. 2. Any such corporation established for the purpose of constructing railroads, may acquire land needed for that purpose, by designating the same to the Governor of the State, if the land belongs to the public domain, and by paying to private owners a just compensation to be determined in the manner established by law. *Provided*, That, if within one year after such designation, or appointment, the railroad be not constructed through such land, the same shall revert to the original owner, subject to the right of the corporation to make a new designation, or appraisement thereof. *And further provided*, That no such corporation shall construct a railroad on the route before designated for another in actual operation, or on any parallel route, within twenty miles thereof, except at one terminal point, without first obtaining the consent of the corporation operating the same.

SEC. 3. All corporations shall keep within this State an office for transacting business, and original or duplicate books of accounts and records; and the President, Secretary and Treasurer, or assistant officers of like grade and power, shall reside in this State.

The Legislature may require reports of the condition of all corporations to be made and published, and may provide for the examination of their books and business.

On motion of Mr. Degener, the Declaration was referred to the Committee on Internal Improvements.

Mr. Buffington introduced the following declaration:

We, the People of Texas, in Convention assembled, do declare,

1st, That it shall be the duty of the Legislature to provide for the more certain and speedy collection of the fees of the officers of the Courts.

2nd, That the Legislature of the State shall make it a sufficient cause to strike from the docket any cause where the costs of the officers of the court are not paid on, or before, the first day of each term of the court; except the parties shall swear that they are not able to pay such costs.

3rd, That in all cases where indictments are not sustained, the costs shall become a tax on the State.

Mr. Buffington moved it be referred to the Judiciary Committee.

It was so referred.

Mr Buffington offered the following declaration:

We, the people of Texas, in Convention assembled, do declare,

1st, That it shall be the duty of the Legislature to provide by law and enforce the collection of any back taxes that may be due and owing to the State.

2nd, That it shall be the duty of the Legislature to repeal all laws, and parts of laws, giving time to redeem land sold for taxes. The legislature shall by law make the sale of land by assessors and collectors absolute.

Mr. Buffington moved it be referred to the Judiciary Committee.

It was so referred.

The President announced the business in order was the unfinished business of yesterday, upon the motion of Mr. Evans, of McLennan, to adopt the majority report of the Judiciary Committee, respecting suspending sales by sheriffs.

Mr. Evans, of McLennan, in the chair.

Mr. Hamilton, of Bastrop, moved the report of the majority of the Judiciary Committee be re-referred to said committee and printed.

Motion not seconded.

On motion, the Convention adjourned until 9 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JUNE 13, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the chaplain. Journal of yesterday read and adopted.

The President announced a communication from his Excellency Governor E. M. Pease, transmitting the following report from the Commissioner of the General Land Office, in answer to the resolution offered by Mr. Talbot on the 8th inst.:

GENERAL LAND OFFICE,
Austin, Texas, June 11, 1868.

To His Excellency Governor E. M. PEASE:

SIR: In response to the resolution of the Convention, received with your note of yesterday, I have the honor to submit the following report:

The area of the State, as estimated from the latest data, is 169,969,920 acres.

Of this there have been granted, and claims have been issued against it as follows:

	ACRES.
Granted by the governments of Spain and Mexico	22,492,057
Headright certificates issued under the laws of the Republic and State	31,153,409
Bounty and Donation Warrants issued by the Republic and State	5,723,983
Land certificates issued under Special Acts of the Republic and State	1,746,258
Scrip certificates under the various laws of the Republic and State	2,914,936
Grants under Colony contracts by the Republic and State	4,990,760
Grants confirmed by acts of the Legislature, approved February 10, 1852	3,741,241
Grants West of the Nueces, confirmed by the District Courts	78,219
University Lands, 50 leagues	221,400
County School Lands, 156 counties, four Leagues each	2,763,072
Grants to Seminaries of Learning under special acts	123,984
Pre-emption and settler's claims under laws prior to Nov. 12, 1866	1,346,281
Central National Road	27,116
Railroad grants and certificates	5,296,960
Lavaca Navigation Company	30,720
Galveston and Brazos Navigation Company	60,160
Texas Powder Company	3,840

Surveys returned under Donation Act of November 12, 1866....	56,160	82,770,556
Making a total of 82,770,556 acres, as liabilities against the Public Domain of the State..............................		87,198,364

Deduct this from the estimated area above mentioned, and there remain 87,199,364 acres, against which there is no outstanding claim. This includes the Islands, alternate Railroad sections, and all other reserved lands as well as the vacant lands proper now open to location.

The above number will most probably be increased by abandoned locations and forfeited claims, so as to make the unencumbered area, say in round numbers, 87,500,000 acres. The greater portion of this is not included within the limits of the organized counties.

Of the liabilities against the Public Domain as above stated, there remain unpatented of Headright Certificates of the 1st, 2d and 3d classes................	ACRES. 4,014,298
Bounty and Donation Warrants	872,326
Scrip Certificates..................................	1,214,515
Railroad Certificates	4,147,485
Galveston and Brazos Navigation Company..........	41,600
Texas Powder Company............................	3,840
Surveys under act of November 12, 1866......... ...	56,160

The several Railroads have received lands and land certificates amounting to 5,296,960 acres, of which 1,168,035 have been patented. A tabular statement marked A, is transmitted herewith, shewing the amount of land certificates issued to each company, with the amount patented by virtue of the same. The attention of the Convention is respectfully called to this statement, and especially to Memphis, El Paso and Pacific Railroad Company.

By act of the Legislature, each county in the State is entitled to four leagues of land for school purposes. From a tabular statement hereto appended and marked B, it will be seen that but few counties have received the amount of land to which they are entitled, and that many have received none at all. This statement shows the actual condition of the lands that have been surveyed for the counties named therein.

Fifty leagues have been set apart for the purpose of supporting a University.

Statement C, shows how much of the same has been surveyed, when located, and the quantity *patented.* The entire amount of University land sold can be ascertained only from the State Treasurer.

One hundred thousand (100,000) acres each were set apart by act of 30th of August, 1856, for the Lunatic, Blind, Orphan and Deaf and Dumb Asylums. Statement C will also show how much has been surveyed for each of these Institutions, and where the lands are situated. None of these lands have been sold.

Of scrip issued during the rebellion for Confederate money and State Treasury Warrants, 6,400 acres was issued under the act of February 11, 1858; 117,920 acres under the act of January 1, 1862; and 21,280 acres under the act of March 11, 1863, together amounting to 145,600 acres, for which there was received $113,816. Of this Scrip, 48,438 acres have been patented; 37,322 acres have been located and field notes returned to this office, and are on file unpatented, leaving 59,840 acres outstanding, and so far as the records of the office show, unlocated.

A statement of said Scrip is herewith transmitted, marked D, also embracing the certificates issued under Special Relief Acts, passed during the rebellion.

These amount to 83,019 acres, nearly all of which have been patented. It is proper to remark that none of the class of Scrip mentioned in this statement, has been patented since I have had charge of the office..

Under the Act approved December 20, 1861, "To incorporate the Texas Powder Company," six certificates of six hundred and forty acres each were issued on the 27th January, 1862, amounting to 3,840 acres. Only one of these certificates appears to have been located and returned to this office. The act of incorporation provides that "said certificates shall be forfeited to the State if said manufactory shall not be in successful operation in six months after the passage of this Act." Inasmuch as there is no evidence on file that said Act has ever been complied with, it is presumed that the said six certificates are forfeited to the State, and the land located by virtue of the one returned to this office, is vacant and subject to location by genuine land claims.

Under the Act of December 15, 1863, "To encourage the erection of certain machinery by donations of land and otherwise," Mr. Charles Bussy, of Anderson county, the Cherokee Furnace Company of Cherokee county, and the Waco Manufacturing Company of McLennan county, appear to have taken the necessary steps to have surveys made for their benefit, but hitherto none have been returned by either of them. The office is not advised whether any surveys or locations have been made by either of these parties, but it would save the office some embarrassment if the Convention would say whether locations and surveys under this law shall be respected.

The Act of November 12, 1866, donates 160 acres of land to actual *white* settlers. Under this law there have been surveyed 56,160 acres; but as the law provides for a residence of three years upon the land before the settler shall be entitled to a patent, none have yet issued to this class of settlers. Inasmuch as there is a discrimination in favor of the white citizen to the prejudice of the colored, parties who have returned field notes of surveys, have been informed that their locations would be respected, but that no patents could issue to them until there was further legislation on the subject.

This course suggested itself in view of the Civil Rights Bill passed by Congress on the 9th of April, 1866, which provides in substance that the colored citizen shall have the same rights in all the States and Territories of the Union as are granted to the white citizen. The subject is respectfully submitted to the Convention.

A statement of the amount of land reserved by law from location, together with the counties in which they are situated, is hereto appended, marked E. These lands amount to 2,554,108 acres, and together with the reserve of eight miles on each side of the Memphis, El Paso and Pacific Railroad line, are believed to embrace some of the choicest lands of the State.

It will be seen by an examination of this statement, that but a small portion of these lands have been sold and patented as contemplated by law, whereas, if they were thrown open for location and settlement, under a liberal Pre-emption Homestead law, there can be but little doubt that they would be rapidly taken up and become a source of revenue to the State.

Very respectfully submitted,

JOSEPH SPENCE.

A.—*The following list shows the number of Certificates, with amount of Land issued to each Railroad, and other Companies respectively.*

NAME OF COMPANY.	AMOUNT OF CERTIFICATES ISSUED.	AMOUNT OF LAND PATENTED.	AMOUNT OF LAND TO BE PATENTED.
Buffalo, Bayou, Brazos and Colorado R. R. co.........	688.640	560,730	127.910
Eastern Texas R. R. co.......	286.720		286.720
Galveston and Brazos Navigation co................	60.160	18.560	41.600
Houston & Texas Cen. R. R. co.	896.000	151.680	744.320
Houston Tap and Brazoria R. R. co....................	512.000	69.120	442.880
Lavaca Navigation co.........	30.720	30.720	
Mem., El Paso & Pac. R. R. co.	262.400	59.145	203.255
San Antonio and Mexican Gulf R. R. co.............	277.120	50,560	226.560
Southern Pacific R. R. co.....	160.000	14.720	145.280
Texas & New Orleans R. R. co.	1,228,800	13.440	1,215.360
Washington County R. R. co.	243.200		243.200
Galveston, Houston and Henderson R. R. co...	512.000		512.000
	5,157.760	968.675	4,189.085
Southern Pacific R. R. co. under Act, January 30th, 1854..................	230.080	230.080	
Total	$5,387.840	$1,198.755	$4,189.085

B.—*Abstract of School Lands.*

COUNTY.	QUANTITY.	WHERE SITUATED.	REMARKS.
Anderson	13,627 Acres	Anderson	Patented
	2268 "	"	Not Patented
Austin	4 Leagues	Lampasas	Patented
Angelina	4 "	Clay	Not Patented
Archer	....	....	No Survey returned June, 1868.
Atascosa	....	....	No Survey returned 1868.
Bandera	2 Leagues	Kenney	Patented
	2 "	"	Not Patented
Bastrop	4 "	Bexar	Patented
Baylor	....	....	No Survey returned 1868.
Bell	3 Leagues	Cook & Wise	Patented
	1 "	Archer	Patented
Bexar	2 "	Kinney	Not Patented
	2 "	Mason and Kimble	Not Patented
Blanco	....	....	No Survey returned June, 1868.
Bosque	4 Leagues	Clay	Not Patented
Bowie	20,625,916 Sq. vrs.	Bowie	Patented
	3,522,480 " "	"	Correct on map 1867 and not Patented
	30,291,070 " "	"	
Brazoria	1 League	Coleman	Patented
	3 "	Uvalde and Medina	Patented
Bee	85,892,443 Sq. vrs.	San Patricio	Not Patented
	11,356,023 " "	Goliad	Not Patented
Brazos	4 Leagues	Cook	Patented
Brown	4 "	Brown	Not Patented
Burleson	4 "	Palo Pinto	Patented
Burnet	2 Leagues	Coleman	Patented
	2 "	Runnels	Patented
Caldwell	3 "	Brown	Patented
	9,865,819 Sq. vrs.	Brown and Coleman	Patented
	2,636,390 " "	"	Not Patented

B.—*Abstract of School Lands.*—Continued.

COUNTY.	QUANTITY.	WHERE SITUATED.	REMARKS.
Calhoun	3 Leagues	Cook & Clay	Patented
	1 "	Montague	Contains only 23,641,326 Sq. vrs. Not Patented
Callahan	....	....	No Survey returned June, 1868.
Cameron	1½ Leagues	McMullen	Patented
Chambers	....	....	No Survey returned June, 1868.
Cherokee	4 Leagues	Archer, Clay & Wichita	Conflicts with other lands and not Patented
Clay	....	....	No Survey returned June, 1868.
Coleman	....	....	No Survey returned June, 1868.
Collin	98,954,635 Sq. vrs.	Collin	Patented
Colorado	4 Leagues	Baylor and Throckmorton	Patented
Comal	3½ Leagues	Coleman and Callahan	Patented
	2214 Acres	Comal	Patented
Comanche	2 Leagues	Comanche	Patented
	10,096,045 Sq. vrs.	Brown	Patented
	7,909,604 " "	Comanche	Patented
	7,011,299 " "	Hamilton	Patented
Concho	....	....	No Survey returned June, 1868.
Cook	2 Leagues	Wise	Patented
	2 "	Cook	Not Patented
Coryell	4 "	Haskill	Patented
Dallas	1 "	Wise & Archer	Patented
Davis	1 League	Davis	Patented
	49,768,167 Sq. vrs.	"	Patented
	8,762,714 " "	"	Not Patented
	20,234,603 " "	Hill	Not Patented

B.—*Abstract of School Lands.*—Continued.

COUNTY.	QUANTITY.	WHERE SITUATED.	REMARKS.
DeWitt	....	....	No Survey returned June, 1868.
Demmitt	....	....	No Survey returned June, 1868.
Duval	....	....	No Survey returned June, 1868.
Ellis	53,873,490 Sq. vrs.	Ellis	Patented.
	17,117,367 “ “	Hill	“
	3,613,440 “ “	Johnson	“
	9,883,075 “ “	Hill	Not Patented.
El Paso	4 Leagues	Bexar	Patented.
Encinal	....	....	No Survey returned June, 1868.
Erath	4 Leagues	Erath	Patented.
Falls	2 Leagues	Wise	“
	10,200,370 Sq. vrs.	“	“
	39,799,630 “ “	Archer	“
Fannin	75,000,000 Sq. vrs.	Cook	Not Patented.
Fayette	23,677,276 “ “	Baylor	Patented.
	13,920,799 “ “	Fayette	“
	11,065 Acres	“	“
Fort Bend	3 Leagues	Coleman	“
	1 “	Dawson and Uvalde	“
Freestone	4 “	Cook & Clay	“
Frio	....	....	No Survey returned June, 1868.
Galveston	4 Leagues	Hood	Patented.
Gillespie	4 “	Young	“
Goliad	3 “	Jones	“
	1 “	Taylor	“
Gonzales	1 “	Gonzales	Not Patented.
	17,664,384 Sq. vrs.	“	“
Grayson	2 Leagues	Clay	Patented.
	1 “	Wise	“
	1 “	Archer	“
Grimes	1 “	Jones	Patented.
	1 “	“	Not ret'd in time
	2 “	Taylor	“

B.—*Abstract of School Lands*—Continued.

COUNTY.	QUANTITY.	WHERE SITUATED.	REMARKS.
Guadalupe	4 Leagues	Bexar	Not Patented.
Hamilton	57,139,673 Sq. vrs.	Hamilton	Patented.
	42,861,327 " "	"	Not Patented.
Hardeman	....	....	No Survey returned June, 1868.
Hardin	31,263,242 Sq. vrs.	Hardin	Not Patented.
Harris	4 Leagues	Harris	"
Harrison	25,947,000 Sq. vrs.	Harrison	Patented.
	20,88½ Acres	"	"
	Half League	Runnels	"
	2 "	Jones	"
Haskell	....	....	No Survey returned June, 1868.
Hays	3½ Leagues	Brown	Patented.
Henderson	....	....	No Survey returned June, 1868.
Hidalgo	....	....	No Survey returned June, 1868.
Hill	4 Leagues	Montague	Patented.
Houston	100,000,000 Sq. vrs	Trinity	"
Hood	....	....	No Survey returned June, 1868.
Hopkins	10,008,475. Sq. vrs.	Hopkins	Patented.
	1 League	Cook	"
Hunt	4 "	Wise & Montague	"
Jack	4 "	Clay & Montague	"
Jackson	....	....	No Survey returned June, 1868.
Jasper	1 League	Hopkins	Patented.
	1 "	"	
	1217 Acres	"	Not Patented.
	13,284 "	....	"
Jefferson	4 Leagues	Archer	Patented.
Johnson	1 "	Johnson	"
	75,000,000 Sq. vrs.	"	"

B.—*Abstract of School Lands.*—Continued.

COUNTY.	QUANTITY.	WHERE SITUATED.	REMARKS.
Jones	....	....	No Survey returned June, 1868.
Karnes	1 league	Karnes	Patented.
Kaufman	4 leagues	Cook	Patented.
Kendall	....	....	No Survey returned June, 1868.
Kerr	2 leagues	Brown	Patented.
	46,994,050 sq. vrs.	"	"
Kimball	....	....	No Survey returned June, 1868.
Kinney	....	....	No Survey returned June, 1868.
Knox	....	....	No Survey returned June, 1868.
Lamar	12,055,716 sq. vrs.	Lamar	Patented.
	87.447,386 sq. vrs.	do.	Not Patented.
Lampasas	72,200,000 sq. vrs.	Comanche	Patented.
	27,651,299 sq. vrs.	"	Not Patented.
La Salle	....	....	No Survey returned [June '68
Lavaca	30,612,835 sq. vrs.	Hood	Patented.
	28,824,200 "	Erath	"
	8,333,333 "	Callahan	"
	7,223,080 "	Eastland	"
	1 league	DeWitt and Gonzales	"
Leon	51,218,250 sq. vrs.	Hill	"
	43,359,360 "	Parker	"
	5,419,561 "	Denton	"
Liberty	19,919,067 sq. vrs.	Polk	"
	10,210,533 "	"	Not Patented.
	2,240 acres	"	Patented.
	1 league	Tyler	"
	1,280 acres	"	"
	1 league	Hardin	"
Limestone	4 leagues	Cook & Montague.	"
Live Oak	....	....	No Survey returned June, 1868.

B.—*Abstract of School Lands.*—Continued.

COUNTY.	QUANTITY.	WHERE SITUATED.	REMARKS.
Llano	4 leagues	Bexar	Patented.
McCulloch	....	....	No Survey returned June, 1868.
McLennan	4 leagues	Eastland	Patented.
McMullen	....	....	No Survey returned June, 1868.
Madison	4 leagues	Clay and Archer	Patented.
Marion	4 leagues	Clay	"
Mason	....	....	No Survey returned June, 1868.
Matagorda	100,000,000 sq. vrs	Denton & Wise	Patented.
Maverick	....	....	No Survey returned June, 1868.
Medina	2 leagues	Medina & Uvalde	Patented.
	26 labors	Bexar	"
	24 labors	Uvalde	Not Patented.
Menard	....	....	No Survey returned June, 1868.
Milam	2 leagues	Johnson	Patented.
	2 leagues	Hood	"
Montague	4 leagues	Clay	"
Montgomery	62,922,074 sq. vrs.	Montgomery	"
	19 labors	"	Not Patented.
Nacogdoches	43,362,934 sq. vrs.	Van Zandt	Patented.
	12,866,745 "	Upshur	"
	13,000,000 "	Henderson	"
	640 acres	"	"
	27,156,377 sq. vrs.	Trinity	"
Navarro	1⅓ leagues	Navarro	"
	57,795,698 sq. vrs.	do. & Hill	"
	8,870,056 "	Jack	"
Newton	4 leagues	Clay & Archer	"
Nueces	51,393,000 sq. vrs.	Live Oak	"
	48,607,000 "	Nueces	Not Patented.

B.—*Abstract of School Lands.*—Continued.

COUNTY.	QUANTITY.	WHERE SITUATED.	REMARKS.
Orange	4 leagues	Clay	Patented.
Palo Pinto	4 "	Archer	"
Panola	4 "	Wise & Montague	"
Parker	4 leagues	Clay	"
Polk	24,997,195 sq. vrs.	Polk	"
	3 leagues	Throckmorton	"
Presidio	....	....	No Survey returned June, 1868.
Red River	4 leagues	....	Not Patented.
Refugio	39,160,160 sq. vrs.	Live Oak	....
	14,349,808 "	"	Patented.
	10,650,192 "	"	"
Refugio	1 league	Live Oak.	
	10,839,840 sq. vrs.	Bee & San Patricio	Patented.
Robertson	23,107,000 sq. vrs.	Baylor	"
	1 league	Navarro	"
Runnels	....	....	No Survey returned June, 1868.
Rusk	2,540,250 sq. vrs.	Hunt	Patented.
	15,969,705 "	"	
	46,913,635 "	Shelby	Patented.
	31,173,750 "	"	
Sabine	....	....	No Survey returned June. 1868.
San Augustine	....	....	No Survey returned June, 1868.
San Patricio	4 leagues	San Patricio	Patented.
San Saba	4 leagues	Bexar	"
Shackleford	....	....	No Survey returned June, 1868.
Shelby	2 leagues	Tarrant	Patented.
	2 leagues	Hunt	Not Patented.

B.—*Abstract of School Lands.*—Continued.

COUNTY.	QUANTITY.	WHERE SITUATED.	REMARKS.
Smith	28,204,047 sq. vrs.	Denton and Wise	Patented.
	71,795,953 "		Not Patented.
Starr	....	....	No Survey returned June, 1868.
Stephens	....	....	No Survey returned June, 1868.
Tarrant	100,000,000 sq. vrs.	Wichita	Patented.
Taylor	....	....	No Survey returned June, 1868.
Throckmorton	....	....	No Survey returned June, 1868.
Titus	3 leagues	Montague	Patented.
	10,917,430 sq. vrs.	Titus	"
Travis	4 leagues	Baylor and Throckmorton	Patented.
Trinity	18 labors	Trinity	"
	82 labors	"	Not Patented.
Tyler	100,000,000 sq. vrs.	Hill	"
Upshur	4 leagues	Baylor and Throckmorton	Patented.
Uvalde	23 labors	Zavalle and Uvalde	
Van Zandt	4 leagues	Wise	Patented.
Victoria	2⅔ leagues	Callahan	"
	8,333,326 sq. vrs.	Callahan and Coleman	Patented.
Walker	4 leagues	Montgomery	
Washington	4 leagues	Bexar	Patented.
Webb	....	....	No Survey returned June, 1868.
Wharton	2 leagues	Runnels	Patented.
	12½ labors	"	"

B.—*Abstract of School Lands*—Concluded.

COUNTY.	QUANTITY.	WHERE SITUATED.	REMARKS.
Wichita.	....	....	No Survey returned June, 1868.
Willbarger	....	....	No Survey returned June, 1868.
Williamson	3582 acres	Burnet	Patented.
	640 acres	Lampasas	"
	½ league	Burnet	"
Wilson	....	....	No Survey returned June, 1868.
Wise	4 leagues	Haskell	Patented.
Wood	4 leagues	Clay & Jack	Not Patented.
Young	2 leagues	Young	Patented.
Zapata	....	....	No Survey returned June, 1868.
Zavalla	....	....	No Survey returned June, 1868.

General Land Office,
Austin, Texas, June 11th, 1868.

C.—*Statement showing the amount of University land surveyed, where located, and the amount patented. Also, the amount of land surveyed for the several asylums, and where located.*

UNIVERSITY LAND.

WHERE LOCATED.	AMOUNT SURVEYED.	AMOUNT PATENTED.
	Acres.	Acres.
Buchanan county	480	....
Cooke	22,623	320
Cullin	1,887	....
Callahan	160	....
Fannin	35,571	16,229
Grayson	80,437	14,119
Hunt	7,513	....
McLennan	41,194	2,109
Shackelford	21,663	....
	210,528	32,777

LUNATIC ASYLUM.

Buchanan county	16,909 acres.
Callahan county	13,395 acres.
Taylor and Callahan counties	2,859 acres.
Shackelford county	35,151 acres.
Taylor county	32,386 acres.
	100,700 acres.

C.—*Statement Showing the amount of University land surveyed, where located, and the amount patented. Also, the amount of land surveyed for the several asylums, and where located*—Continued.

BLIND ASYLUM.

Buchanan county	18,168 acres.
Buchanan and Shackelford counties	7,174 acres.
Jones county	4,800 acres.
Jones and Shackelford counties	8,120 acres.
Shackelford	31,441 acres.
Taylor county	11,457 acres.
Taylor and Callahan counties	15,360 acres.
	96,520 acres.

DEAF AND DUMB ASYLUM.

Callahan county	29,660 acres.
Comanche county	19,382 acres.
Eastland county	8,160 acres.
Eastland and Comanche counties	8,160 acres.
Jones county	32,939 acres.
	98,301 acres.

ORPHAN ASYLUM.

Buchanan county	7,388 acres.
Buchanan and Shackelford counties	14,059 acres.
Callahan county	27,188 acres.
Jones county	35,353 acres.
Shackelford county	12,780 acres.
	96,768 acres.

C.—*Statement showing the amount of University land surveyed, where located, and the amount patented. Also, the amount of land surveyed for the several asylums, and where located*—Concluded.

RECAPITULATION.

	AMOUNT SURVEYED.	AMOUNT PATENTED.
	Acres.	Acres.
University - - - - - - - - - - - - -	210,528	32,777
Lunatic Asylum - - - - - - - - - - - -	100,700	
Blind Asylum - - - - - - - - - - - - -	96,520	
Deaf and Dumb Asylum - - - - - - - - - -	98,301	
Orphan Asylum - - - - - - - - - - - -	96,768	

General Land Office,
Austin, Texas, June 11, 1868.

D.—*Statement of Land Scrip issued during the Rebellion, showing number of acres, amount for which they were sold, quantity of land patented, quantity surveyed and unpatented, and amount outstanding. Also, the amount of Certificates issued under special acts passed by the Legislature from March* 1, 1861, *to November* 13, 1866.

NO. OF ACRES.	PRICE RECEIVED.	LAND SCRIP.		AMOUNT OUT-STAN'G.	UNDER WHAT ACTS.
		AMOUNT PATENT'D	AM'T SURVEYED & UNPAT'D.		
6400	6400 00	6400			Feb. 11, 1858.
117920	64856 00	37878	25323	54720	Jan. 1, 1862.
21280	42560 00	4160	12000	5120	Mar. 11, 1863.
145,600	113,816 00	48438	37323	59840	

RECAPITULATION.

AMOUNT	OF SCRIP ISSUED	145600	ACRES.
do.	do. PATENTED	48438	do.
do.	do. SURVEYED AND NOT PAT'D	37323	do.
do.	do. OUTSTANDING	59840	do.

SPECIAL ACTS CERTIFICATES,

ISSUED UNDER LAWS PASSED FROM MARCH 1861 TO NOV. 1866.

NO. OF ACRES.

83019. All of which has been Patented.

General Land Office,
Austin, Texas, June 11, 1868.

E.—*Statement of Alternate Sections of Different Railroads and other Companies.*

WHAT ROAD.	WHERE LOCATED.	NUMBER OF SECTIONS.	NUMBER OF ACRES.
Eastern Texas R. R. co.	Angelina	25 Sec.	16,000
Southern P. R. R. co.	Archer	40 Sec.	25,600
Houston & T. C. R. R. co.	Austin	114 Sec.	72,960
Houston & T. C. R. R. co.	Baylor	49 Sec.	31,360
Southern P. R. R. co.	Bexar Ter'y	297 Sec.	
Lavaca Navigation co.	" "	28 Sec.	
H. & T. C. R. R. co.	" "	66 Sec.	250,240
M. & El P. R. R. reserve.	Bowie		22,340
	Sold by the State		640
	Balance remaining		21,700
Houston & T. C. R. R. co.	Brazoria	61 Sec.	
Lavaca Navigation co.	"	2 Sec.	40,320
Buffalo B. B. & C. R. R. co.	Brown	12 Sec.	7,680
Buffalo B. B. & C. R. R. co.	Callahan	76 Sec.	48,640
Houston & T. C. R. R. co.	Chambers	31 Sec.	19,840
Buffalo B. B. & C. R. R. co.	Clay	16 Sec.	
M. El P. R. R. co.	"	14 Sec.	
Texas & N. O. R. R. co.	"	12 Sec.	
H. & T. C. R. R. co.	"	6 Sec.	
S. A. & M. G. R. R. co.	"	1 Sec.	31,360
M. & El P. R. R. reserve.	Collin	....	1,066
Houston & T. C. R. R. co.	Colorado	4 Sec.	
Buffalo B. B. & C. R. R. co.	"	1 Sec.	3,200
Houston & T. C. R. R. co.	Comanche	43 Sec.	27,520
Southern Pacific R. R. co.	Concho	29 Sec.	
Fisher's & Miller's Colony.	"	201 Sec.	147,200
Buffalo B. B. & C. R. R. co.	Cooke	4 Sec.	
S. P. R. R. Co.	"	20 Sec.	15,360
Buffalo B. B. & C. R. R. co.	Davis	1 Sec.	640
Buffalo B. B. & C. R. R. co.	Denton	8 Sec.	
H. & T. C. R. R. co.	"	4 Sec.	
M. El Paso R. R. reserve.	"	18,451 A'rs.	26,141
Southern P. R. R. co.	Eastland	26 Sec.	
B. B. B. & C. R. R. co.	"	8 Sec.	21,760

E.—*Statement of Alternate Sections of Different Railroads and other Companies.*—Continued.

WHAT ROAD.	WHERE LOCATED.	NUMBER OF SECTIONS.	NUMBER OF ACRES.
Memphis & El P. R. R. co.	Fannin	....	4,349
Houston & T. C. R. R. co.	Fort Bend	64 Sec.	40,960
Washington County R. R. co.	Galveston	16 Sec.	10,240
H. & T. C. R. R. co.	Grimes	2 Sec.	
H. T. & B R. R. co.	"	2 Sec.	2,560
Houston & T. C. R. R. co.	Hardin	12 Sec.	
Houston T. & B. R. R. co.	"	6 Sec.	
T. & N. O. R. R, co.	"	2 Sec.	
G. & B. Navigation co.	"	3 Sec.	14,720
	Sold by the	State	640
	Balance re	maining	14,030
Houston & T. C. R. R. co.	Hardeman	32 Sec.	20,430
Washington Co. R. R. co.	Harris	52 Sec.	
H. & T. C. R. R. co.	"	44 Sec.	
H. T. & B. R. R. co.	"	25 Sec.	77,440
S. P. R. R. co.	Harrison	1 Sec.	640
Buffalo B. B. & C. R. R. co.	Haskell	40 Sec.	
H. & T. C. R. R. co.	"	31 Sec.	45,440
H. & T. C. R. R. co.	Hill	3 Sec.	
H. T. & B. R. R.	"	2 Sec.	3200
S. P. R. R. co.	Jack	5 Sec.	3200
H. & T. C. R. R. co.	Jasper	34 Sec.	21,460
Texas & N. O. R. R. co.	Jefferson	36 Sec.	
H. T. & B. R. R. co.	"	10 Sec.	29,440
H. & T. C. R. R. co.	Johnson	14 Sec.	
S. P. R. R. co	"	2 Sec.	10,240
Buffalo B. B. & C. R. R. co.	Jones	76 Sec.	
H. & T. C. R. R. co.	"	11 Sec.	55,680
Fisher's & Miller's Colony.	Kimble	26 Sec.	16,640
H. & T. C. R. R. co.	Knox	50 Sec.	
H. T. & B. R. R. co.	"	3 Sec.	33,920
Memphis & El Paso R. R. reserve.	Lamar	....	15,507

E.—*Statement of Alternate Sections of Different Railroads and other Companies.*—Continued.

WHAT ROAD.	WHERE LOCATED.	NUMBER OF SECTIONS.	NUMBER OF ACRES.
	Sold by the	State	4,409
	Balance re	maining	11,098
Houston & T. C. R. R. co.	Liberty	41 Sec.	
Texas & N. O. R. R. co.	"	21 Sec.	
Washington county R. R. co.	"	11 Sec.	46,720
Fisher's & Miller's Colony.	Llano	85 Sec.	54,400
" " "	McCulloch	445 Sec.	292,800
" " "	Mason	156 Sec.	99,840
" " "	Menad	163 Sec.	104,320
Eastern T. R. R. co.	Montague	24 Sec.	
H. & T. C. R. R. co.	"	15 Sec.	
B. B. B. & C. R. R. co.	"	3 Sec.	
S. A. & M. G. R. R. co.	"	1 Sec.	27,520
Texas & N. O. R. R. co.	Montgomery	9 Sec.	
Washington county R. R. co.	"	5 Sec.	
H. T. & B. R. R. co.	"	1 Sec.	9,600
H. &. T. C. R. R. co.	Newton	15 Sec.	9,600
Memphis & El Paso R. R. reserve.	Palo Pinto	28 Sec.	
S. P. R. R. co.	" "	2 Sec.	19,200
Memphis & El Paso R. R. reserve.	Parker	252 Sec.	
H. Tap & B. R. R. co.	"	18 Sec.	172,800
Washington county R. R. co.	Polk	18 Sec.	11,520
Buffalo B. B. & C. R. R. co.	Red River	3 Sec.	
Memphis & El Paso R. R. reserve.	" "	Bal. of Sec.	26,007
	Sold by the	State	841
	Balance re	maining	25,166
Houston & T. C. R. R. co.	Robertson	2 Sec.	1,280
Fisher's & Miller's Colony.	Runnels	44 Sec.	28,160
Houston & T. C. R. R. co.	Sabine	4 Sec.	2,560

E.—*Statement of Alternate Sections of Different Railroads and other Companies.*—Concluded.

WHAT ROAD.	WHERE LOCATED.	NUMBER OF SECTIONS.	NUMBER OF ACRES.
Fisher's & Miller's Colony.	San Saba	200 Sec.	128,000
Southern P. R. R. co.	Stephens	30 Sec.	19,200
Memphis & El Paso R. R. co.	Tarrant	8 Sec.	5,120
Buffalo B. B. & C. R. R. co.	Throckmorton	135 Sec.	86,400
Buffalo B. B. & C. R. R. co.	Titus	4 Sec.	2,560
Galveston & B. Nav. co.	Tyler	43 Sec.	
Washington county R. R. co.	"	2 Sec.	28,800
Houston & T. C. R. R. co.	Wilbarger	205 Sec.	131,200
Houston & T. C. R. R. co.	Wichita	20 Sec.	12,800
Buffalo B. B. & C. R. R. co.	Wise	2 Sec.	
Memphis & El Paso R. R. co.	"		19,058
	Sold by the State		140
	Balance remaining		18,918

RECAPITULATION.

Total Amount in Acres	2,554,108
Amount Sold by the State	6,030
Balance Remaining	2,548,,070

Mr. Talbot moved it be referred to Committee on Education. It was so referred.

Mr. Armstrong introduced the following declaration and petition:

A Declaration establishing new Counties.

Be it declared by the People, in Convention assembled, That the Legislature may establish new counties for the convenience of the inhabitants of this State; *provided* no new county shall be established which shall reduce the county or counties, or either of them from which said new county shall be taken, to a less area than nine hundred square miles (except the counties of Bowie and Marion). But the county of Delta is hereby established out of portions of the counties of Lamar, Fannin, Hunt and Hopkins, the same bounded as follows, to-wit: beginning at a point where the east line of Hopkins county crosses the Sulphur fork of Red river, thence south with the south fork of Sulphur to a point at the confluence of south and middle Sulphur, thence with Middle Sulphur to the ninety-sixth degree of longitude; thence with said line north to a point where said line crosses North Sulphur; thence down said North Sulphur with its meanders to the place of beginning, and that the county of Delta proceed to organize the same in accordance with the laws. Every new county, as to the right of suffrage and representation, shall be considered a part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

Mr. Armstrong moved its reference to the Committee on General Provisions.

It was so referred.

To the honorable Delegates of the State of Texas, in Convention assembled:

The undersigned resident citizens of the counties of Lamar, Fannin; Hunt and Hopkins, would respectfully show unto your honorable body that in consequence of the central locations of the different county seats in the four counties above named, and natural barriers presented by such streams as the Sulphur and the Bois d'Arc, and going to and from the towns of Paris, Bonham, Greenville and Tarrant, public justice, the business affairs, and convenience generally of the undersigned, people who reside in the annexed boundary, is greatly disturbed at all seasons of the year by high waters, bad roads, and various other causes, wherefore they refer to Cordova's map of Texas, and ask that a new county be made within the following boundaries, to-wit: Beginning in the county of Hopkins, at a point the confluence of the north and south frongs of Sulphur;

thence south with the south fork of Sulphur to a point, the confluence of South and Middle Sulphur; thence with Middle Sulphur to the ninety-sixth degree of longitude; thence with said line north to the point where said line crosses said North Sulphur; and from said point back with the meanders of the North Sulphur to the place of beginning. Your petitioners would further most earnestly submit that they believe that the creation of this new county, to be called by such name as your honorable body may adopt, would not only be of interest to them, but of incalculable advantage to the people of the respective counties from which the territory is taken, and the entire State at large. Wherefore we pray as before.

N. B. We would offer for your consideration the word "Delta."

Signed by C. E. Kingston and 401 others.

Mr. Munroe. from the Committee on Engrossed Provisions, made the following report:

COMMITTEE ROOM,
June 12, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

The Committee on Engrossed Provisions instruct me to report the following resolutions and report as correctly engrossed:

First, resolution "That the Committee on Printing be instructed to contract with the Austin Republican to publish a synopsis of the debates of this House, in the two thousand copies already subscribed to, provided that they charge not more than seven cents per copy."

Second, resolution tendering the thanks of this Convention to F. Flake, Esq., of Flake's Bulletin, for his proposal to furnish copies of his newspaper gratis to the members of this Convention.

Third, resolution dispensing with the reading of the report of the Superintendent of Education, and ordering five hundred copies to be printed for the use of this body.

Fourth, resolution granting privilege of the floor of the Convention to the Commanding General of this district, Governor of the State, and Judges of the Supreme and District courts, and allowing members to invite friends within the bar of the hall.

Fifth, report of Chairman on State Affairs, defining powers and duties of the Convention.

Respectfully submitted,
A. T. MUNROE,
Chairman.

Report adopted.

Mr. Degener, from the Special Committee on the Division of the State, made the following report:

COMMITTEE ROOM,
June 12, 1868.

HON. E. J. DAVIS,
President of the Convention.

SIR: The Special Committee on Division of the State has instructed me to report the following resolution:

"The President of the Convention is respectfully requested to telegraph at once to the Speaker of the House of Representatives in Washington, for a full copy of the bill offered by the Reconstruction Committee for the division of Texas into three States, to be sent by telegraph. And is hereby authorized to draw the amount of expenses from the funds set apart for the Convention."

All of which is respectfully submitted.

E. DEGENER,
In behalf of Committee on Division of the State.

Mr. Degener moved the suspension of the rules for the consideration of the resolution.

Lost.

Mr. Evans, of McLennan, introduced the following resolution:

Be it resolved, That the Commanding General of the Fifth Military District be, and he is hereby requested to approve the action of this Convention, by his order appropriating the sum of $125,000, or so much thereof as may be necessary, from the treasury of the State of Texas, to defray the expenses of this Convention.

Mr. McCormick moved its reference to the Committee on Contingent Expenses.

It was so referred.

Mr. Smith, of Galveston, offered the following resolution:

Resolved, That the President be and is hereby authorized to appoint a folder or page to put up the documents furnished the members for circulation, whose per diem pay shall be the same as that allowed other pages or messengers.

Mr. Smith moved a suspension of rules for the consideration of the resolution.

Lost.

Mr. Smith moved its reference to Committee on Contingent Expenses.

It was so referred.

Mr. Butler moved suspension of rules to take up resolution respecting Penitentiary.

Rules suspended.

Mr. Hamilton, of Travis, offered the following amendment:

Amend by inserting after the word "committee," "or any one or more of them."; and by striking out the word "directed," and inserting the word "authorized."

Mr. Butler offered the following amendment to the amendment:

"And that they be authorized to employ an accountant."

Amendment accepted by Mr. Hamilton.

Mr. Hamilton, of Travis, offered the following substitute for the whole:

Resolved, That the Committee to examine the Penitentiary of the State, or any one or more of them, at their discretion, be and they are hereby authorized to proceed to Huntsville, to carry into effect the order of this Convention, and that they be authorized to employ an accountant to aid them in their investigations, at a price not to exceed —— dollars per diem.

Substitute adopted.

Mr. Butler moved that the blank be filled by "eight" dollars.

Adopted.

The resolution was then ordered to be engrossed.

Mr. Caldwell offered the following declaration:

A Declaration in relation to Railroads.

WHEREAS, There is pending before Congress a bill to aid in the construction of the International Pacific Railroad, from Cairo, in Illinois, to the Rio Grande river, to authorize the consolidation of certain railroad companies, and to provide homesteads for the laborers on said roads, which bill contemplates aid by the United States in the rapid construction of a continuous line of railroad and telegraph from Cairo, in Illinois, through the southeastern portion of Missouri and central districts of Arkansas, Texas and Mexico, to San Blas, on the Pacific Ocean, and which enterprize, in the opinion of this Convention, ought to be encouraged;

Be it therefore ordained by this Convention, That Brazos Branch Railroad Company and the Henderson, Marshall and Jefferson Railroad Company are hereby consolidated into one company, to be known as a corporation with perpetual succession, to be styled the International Pacific Railroad Company, which shall have all the powers and franchises granted by the laws creating said first named railroad companies, and, also, the exclusive right to construct and operate a telegraph line along said railroad.

Second, Said International Railroad Company shall have the power to build, equip and maintain a railroad with a single or double track, commencing at a point on the eastern boundary of the State of Texas, connecting with the International Pacific Railroad from Cairo. Thence running in a southwesterly direction across the State of

Texas, to a suitable point on the Rio Grande river, below Eagle Pass, in the direction of San Blas, on the Pacific Ocean; and, also, the exclusive right to construct and operate a telegraph line along said railroad.

Third, Said International Pacific Railroad shall be entitled to all the donations of land contemplated by the laws of Texas, granting lands to aid in the construction of railroads, and to all such aid as shall be granted to other great railroad enterprizes in Texas, and shall be authorized to vary the gauge so as to correspond to the gauge from Cairo to the Texas line, without impairing any right under the Texas laws. And said company shall have the exclusive right, for three years from the time of locating their line to locate the lands granted by the State; and they shall hold and have the right to dispose of said lands under the laws now in force granting lands to aid in the construction of railroads.

Mr. Caldwell moved it be referred to Committee on Internal Improvement.

It was so referred.

Mr. Lippard introduced the following preamble and resolution:

WHEREAS, Lawlessness and crime exists to such an alarming extent in portions of this State, it is deemed proper to do all in the power of this Convention to protect life and property, and for the suppression of crime.

Resolved, That this Convention tender to Brevet Major-General J. J. Reynolds a sufficient number of loyal men in each county of this State as in his opinion may be necessary to aid and assist the said Commander in the suppression of crime, and the protection of life and property and the enforcement of the laws, and that the Commanding General take such steps as in his opinion may be necessary for the organization of any men so called to his aid into companies or squads.

Mr. Lippard moved it be referred to Committee on Lawlessness and Violence.

It was so referred.

Mr. Sumner offered the following resolution:

Resolved, That the Committee on Contingent Expenses be instructed to inquire whether there are more pages, messengers and porters now employed by this Convention than are required to perform the work; and, also, to report what number of each is necessary.

Referred to Committee on Contingent Expenses.

Mr. Caldwell offered the following resolution:

Resolved, That the Special Committee on Lawlessness and Crime be authorized to employ a clerk, and that he receive the same compensation allowed the members.

Mr. Evans, of McLennan, offered the following amendment:

"And that said clerk be authorized to swear witnesses."

Amendment accepted by Mr. Caldwell.

The question recurring upon the engrossment of the resolution, it was ordered to be engrossed.

Mr. Burnett moved a suspension of rules to put resolution on its third reading.

Rules suspended; resolution read a third time, and passed.

Mr. Ruby offered the following resolution:

WHEREAS, A correct idea of the geography of the State should be had by the several members of this Convention, on all questions relative to counties and county boundaries, the division of the State, etc.; therefore, be it

Resolved, That ninety copies of ——— Map of Texas be authorized to be furnished for the use of Convention.

On motion of Mr. Ruby, it was referred to Committee on Printing.

The President announced the order of business to be upon the motion of Mr. Evans, of McLennan, to adopt the majority report of the Judiciary Committee, respecting forced sales by sheriffs.

Mr. Ruby moved the previous question.

Motion, after being seconded, was withdrawn by consent of the House.

On motion of Mr. Smith, of Galveston, the Convention adjourned until Monday morning, at nine o'clock, Mr. Flanagan, of Rusk, having the floor.

CAPITOL, AUSTIN, TEXAS,
JUNE 15, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Carter, Chairman of the Committee on Style, reported as follows:

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Style, to whom was referred the engrossed bills Nos. 1 to 7, inclusive, have examined the same and find them correct, with a few immaterial changes in verbiage, which changes have been made.

Adopted.

Mr. McCormick, Chairman of the Committee on Contingent Expenses, reported as follows:

COMMITTEE ROOM,
June 15, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Your Committee on Contingent Expenses, to which was referred the resolution offered by Mr. Evans, of McLennan, requesting the Commanding General of the Fifth Military District to approve the action of this Convention appropriating the sum of $125,000, or so much thereof as may be neccssary to defray the expenses of the Convention, have had the same under consideration and instruct me to report a declaration amendatory of a declaration making an appropriation, &c., passed on the 10th of June, 1868, so as to extend said appropriation to the Printing and Contingent Expenses of the Covention, and also to report back said resolution offered by Mr. Evans of McLennan, with the recommendation that it be passed.

A. P. McCORMICK,
Chairman.

A Declaration amendatory of a Declaration making an appropriation for the per diem pay and mileage of the Members and per diem pay of the Officers of the Convention, passed by the Convention, June 10, 1868.

SECTION 1. Be it declared by the Delegates of the people of Texas in Convention assembled, That the caption of said declaration, of which this is amendatory, shall be and the same is hereby so amended as to read "A declaration making an appropriation for the per diem pay and mileage of the Members and per diem pay of the Officers of the Convention, and for the Printing and Contingent Expenses of the Convention.

SEC. 2. Be it further declared, That section second of the declaration of which this is amendatory, shall hereafter read and be as follows:

That the sum of $125,000, or so much thereof as shall be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the mileage and per diem aforesaid, and the Printing and Contingent Expenses of the Convention."

Mr. Caldwell, Chairman of Committee on Lawlessness and Violence, reported as follows:

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: A majority of the Committee, to whom was referred the resolution requesting General Reynolds to call to his aid a sufficient number of loyal men to suppress the lawlessness and crime so prevalent in the State, have instructed me to report the same back to the Convention, and recommend its passage.

Whereas, Lawlessness and crime exists to such an alarming extent in portions of this State, it is deemed proper to do all in the power of this Convention to protect life and property, and for the suppression of crime; therefore be it

Resolved, That this Convention respectfully request Brevet Major General J. J. Reynolds to call to his aid a sufficient number of loyal men in each county of this State, as in his opinion may be necessary, to aid and assist said Commander in the suppression of crime and the protection of life and property, and the enforcement of the laws; and that the Commanding General take such steps as in his opinion may be necessary for the organization of any men, so called, to his aid into companies or squads.

Mr. Armstrong moved that the rules be suspended to allow consideration of resolution.

Rules suspended. Resolution was then read second time.

Mr. Hamilton, of Travis, offered the following substitute to the resolution of the Committee:

Resolved, 1. That this Convention respectfully urge upon the Congress of the United States, the necessity of authorizing the organization, by this body, of a militia force in the several counties in this State, to act in conjunction with and under the direction of the Military Commander therein, for the protection of the lives and property of the citizens, now every day being preyed upon by assassins and robbers, to an extent unparalleled in the history of civilized communities in time of peace, and which, if not speedily arrested, must result in the destruction of social order.

Resolved, 2. That if protection is not speedily provided in some form by the National Government to the loyal and law abiding citizens of Texas, they will be compelled, in the exercise of the sacred right of self defence, to organize for their own protection.

Resolved, 3. That this Convention have full confidence in Brevet Major General J. J. Reynolds, Commander of the District of Texas, and that to the extent of the means placed at his disposal, he will give protection and preserve peace.

Resolved, 4. That the President of this Convention be requested to forward to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, copies of these resolutions.

The substitute was accepted by Mr. Lippard in the place of the resolutions offered by him.

The preamble and resolutions were then adopted.

Mr. Evans of McLennan offered the following amendment:

Insert after the word "forward," the words "by telegraph at expense of contingent fund of Convention."

Amendment accepted by Mr. Hamilton, of Travis, and adopted.

The question recurring upon the adoption of the preamble and resolution, as amended, it was ordered to be engrossed.

Mr. Hamilton, of Travis, moved a further suspension of rules to put the preamble and resolution upon its final passage.

Rules were then suspended, resolution read a third time and passed.

Mr. Thomas, from the Committee on Printing, made the following report:

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Printing, to whom was referred a resolution offered by Mr. Ruby, relative to the purchase of ninety maps of the State of Texas, for the use of members of this Convention, have had the same under consideration, and are unanimously of opinion that the purchase would be an unnecessary expenditure of public funds. The resolution is therefore reported back to the Convention with the recommendation that it do not pass.

Respectfully submitted,
JAS. W. THOMAS,
Chairman of Committee.

Mr. Davis, of Nueces, introduced the following declaration:

Sections to be incorporated into the Judicial Department of the Constitution.

SECTION —. The Judges of the Supreme and District Courts, the Attorney-General and the District Attorneys and Sheriffs of counties, shall be appointed by the Governor of the State, by and with the advice and consent of the Senate thereof. *Provided*, that this manner of choosing said officers shall continue in force until the first general election held after the year 1877, at which general election the question shall be submitted to the people whether they continue in force this manner of appointing said officers.

SEC. —. The District Court shall be held in each county of the State four times in every year, and Judicial Districts shall be laid off, having this purpose in view; and all counties which do not maintain their organization complete, or may have less than one hundred and twenty qualified jurors, shall be considered disorganized, and shall be attached, for judicial purposes, to the adjoining organized county, the county seat of which is nearest the county seat of the disorganized county.

SEC. —. The Grand Jury system shall be hereafter dispensed with, and all prosecutions for offences on behalf of the State shall be commenced by information filed in the court having jurisdiction of the offence, by the proper law officer of the State. Such information to be founded on affidavit of some responsible person charging the offence.

On motion, the declaration was referred to the Judiciary Committee.

Mr. Burnett offered the following declaration:

A DECLARATION

Declaring null and void the ordinance of secession, &c.; prohibiting the payment of debts incurred in aid of the rebellion; and repealing all laws that discriminate against persons on account of color, &c.

Be it hereby declared by the Delegates of the People of Texas, in Convention assembled, That the ordinance of secession passed by a pretended convention of the people of the State of Texas, which assembled in the city of Austin on the first day of February, 1861, entitled, "An ordinance to dissolve the union between the State of Texas and the other States, united under the compact styled 'The Constitution of the United States of America,'" and all pretended laws, ordinances or acts whatever enacted in the State of Texas in aid of the late rebellion, or which are repugnant to the Constitution of the United States, are and were null and void from the beginning.

Be it further declared, That the payment of any debts incurred by any pretended authority of the State of Texas, or any citizens thereof, in aid of the late rebellion, or for the support of the rebel government, be, and the same is hereby forever prohibited.

Be it further declared, That all laws, ordinances or acts whatever enacted in the State of Texas, before or since the rebellion, that make any discrimination against persons on account of their race, color or previous condition, be, and the same are hereby repealed.

On motion, the declaration was referred to the Judiciary Committee.

Mr. Carter offered the following resolution:

Resolved, That the Committee on Political or Legislative Department be empowered to employ a clerk at a compensation of four dollars per diem, provided that said clerk be employed on any other committee that needs his services, when not employed on Committee on Political or Legislative Department.

It was referred to Committee on Contingent Expenses.

Mr. Evans, of McLennan, offered the following declaration:

Be it declared by this Convention, That the following be a section of the constitution:

SEC. —. Taxation shall be equal and uniform throughout the State, and all property shall bear tax in proportion to its value, to be ascertained by law, except such property as the Legislature of Texas, by a three-fourths vote of each House, may exempt. And said Legislature may impose income, occupation, trade and profession taxes. And all real estate in Texas upon which the State, county or corporation taxes are not at any time paid for three consecutive years, shall forfeit *ipso facto* to, and be invested in the State of Texas, to the use and benefit of the county where situated, for educational purposes; and it shall be the duty of the Legislature, at its first session, by law, to provide for having all such forfeitures declared.

Mr. Evans, of McLennan, offered the following additional declaration:

Be it declared by this Convention, That the following be a section of the constitution:

SEC. —. That all forced sales of land in this State, by sheriffs, assessors and collectors, assignees in bankruptcy; and by administrators and executors, for purpose to pay debts of decedents, shall be made in quantities and parcels, not less than twenty acres, or more than one hundred acres; and the Legislature, at its first session, shall make provision, by law, for the division of said land by the persons selling the same.

On motion of Mr. Evans, of McLennan, the declaration was referred to Committee on General Provisions.

Mr. Armstrong, of Lamar, offered the following resolution:

Resolved, That the sum of fifteen thousand dollars ($15,000), or so much thereof as may be sufficient, be, and the same is hereby appropriated to pay the unsettled balance due the civil officers of this State, appointed by Gov. A. J. Hamilton, and that this resolution be forwarded by the President of the Convention to Maj. Gen. Buchanan, asking his approval of the same.

Laid over one day under the rules.

Mr. Degener moved to suspend the rules to take into consideration resolution offered by Mr. Carter, authorizing the Political or Legislative Committee to employ a clerk.

Rules were then suspended, and resolution read a second time.

Mr. Butler offered the following amendment:

Amend by inserting: "Political or Legislative," and strike out the word "Legislature."

Amendment adopted.

The question recurring upon the engrossing of the resolution, it was ordered to be engrossed.

Mr. Butler moved a further suspension of rules.

Rules suspended, resolution read a third time and passed.

The President announced the unfinished business of Saturday was next in order, upon the motion of Mr. Evans, of McLennan, to adopt the majority report of the Judiciary Committee upon "forced sales by sheriffs;" Mr. Flanagan, of Rusk county, being entitled to the floor.

Upon the adoption of the motion, Mr. Butler moved the previous question, which being seconded by the required number, the question was "shall the main question be now put?"

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Davis, Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bledsoe, Boyd, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Foster, Glenn, Gray, Hamilton of Bastrop, Hamilton, of Travis, Harne, Hunt, Johnson, of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Mills, Morse, Muckelroy, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Slaughter, Smith, of Marion, Sorrel, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—71.

Nays—Messrs. Adams, Bellinger, Board, Flanagan, W. Flanagan, Fleming, Goddin, Grigsby, Harris, Keigwin, McCormick, Pedigo, Phillips, of Wharton, Varnell—14.

So the main question was ordered.

The question then recurring upon the adoption of the majority report of the Judiciary Committee, the yeas and nays were called and resulted as follows:

Yeas—Messrs. Bellinger, Bledsoe, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Cole, Curtis, Degener, Evans of McLennan, Fayle, Foster, Hamilton, of Bastrop, Hunt, Johnson, of Harrison, Johnson of Calhoun, Kealy, Kendall, Kuechler, Kirk, Leib, Lindsay, Lippard, McWashington, Mills, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Posey, Ruby, Schuetze, Smith, of Galveston, Smith, of Marion, Sorrel, Sumner, Thomas, Vaughan, Williams, Wilson, of Milam—41.

Nays—Messrs. Davis, Adams, Armstrong of Jasper, Armstrong, of Lamar, Bell, Board, Buffington, Butler, Burnett, Caldwell, Carter, Downing, Evans, of Titus, Flanagan, W. Flanagan, Fleming, Glenn, Goddin, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Jordan, Keigwin, Mackey, McCormick, Morse, Muckelroy, Mullins, Mundine, Pedigo, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Talbot, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wright, Yarborough—44.

So the motion was lost, and report rejected.

Mr. Hamilton, of Travis, moved a suspension of rules to take up the minority report with accompanying resolution.

Mr. Phillips, of San Augustine, moved to adjourn until three o'clock P. M.

Lost.

Mr. Sumner moved to adjourn until nine o'clock to-morrow morning.

Carried.

CAPITOL, AUSTIN, TEXAS,
June 16, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Munroe, from the Committee on Engrossed Provisions, made the following report:

COMMITTEE ROOM,
June 15, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Engrossed Bills instruct me to report the following resolutions as correctly engrossed.

Resolution 1. That the Special Committee on Lawlessness and Crime be authorized to employ a clerk, and that said clerk be authorized to swear witnesses.

Resolution 2. That the Committee to examine the Penitentiary of the State, or any one or more of them at their discretion, be authorized to proceed to Huntsville to carry into effect the order of this Convention, and that they be authorized to employ an accountant to aid them in their investigations.

Respectfully submitted,
A. T. MUNROE,
Chairman.

Report adopted.

Mr. Johnson, of Calhoun, offered the following resolution:

Resolved, That besides the duties of Enrolling and Engrossing the declarations and resolutions of this Convention, the Enrolling and Engrossing Clerks shall perform such clerical duties as may be required of them by the Secretaries of this Convention; or if there be no such duties required, the pay of the Enrolling and Engrossing Clerks be reduced to four dollars per day, or such amount as the Committee on Contingent Expenses may think a proper amount to be paid for the duties they may perform.

Referred to Committee on Contingent Expenses.

Mr. Mackey offered the following declaration:

Be it ordained by the people of the State of Texas in Convention assembled, That all male persons over the age of twenty-one years or who may hereafter arrive at the age of twenty-one years, of foreign birth, residing in the State of Texas at the date of the passage of this ordinance, shall, on taking the oath of allegiance to the Government of the United States, and an oath to support and defend the Constitution and laws of the State of Texas, be declared citizens of the State, and as such be entitled to suffrage; *Provided*, they have resided in the State twelve months at the time of voting, and all male persons of foreign birth who may hereafter immigrate to this State shall, on taking said oaths, and residing in the State twelve months, be entitled without further delay to the right of suffrage.

Referred to Committee on Political and Legislative.

Mr. Bryant, of Grayson, offered the following resolution:

Be it ordained by the people of the State of Texas in Convention assembled, That all officers of Colonel Duff's Regiment of rebel troops, all officers of Brigadier General William Hudson's Brigade, 21st Texas State troops, all rebel officers or men in the rebellion who, during or since the war, hung, murdered, mobbed, or assaulted with intent to kill, or maimed any Union man, Federal officer, soldier or other Government official, all officers or men formerly engaged in the rebellion, who have been disfranchised by the Reconstruction laws of Congress, or by the Boards of Registration appointed by Major General Sheridan, or Brevet Major General Griffin; all persons who have been convicted of, or charged with murder or assault with intent to kill a Union man, white or colored, and have fled from justice or legal process; all persons disfranchised by the laws of other States, and all persons engaged in the rebel service, bushwhacking, or Guerilla warfare, from other States, and have since that time immigrated to this State; all persons who on the collapse of the rebellion fled the State and took refuge in Mexico or other foreign governments; all Ministers of the Gospel who entered the rebel army, or preached rebellion from the pulpit, or persecuted Union men for opinion's sake; all persons engaged in the abduction from Mexican soil of Brigadier General E. J. Davis and Captain William Montgomery; and all persons engaged in the murder of Captain William Montgomery be, and are hereby declared disfranchised and incapable of holding in this State any office of honor, trust or profit under its authority; or of being an officer, councilman, director, trustee, or other manager of any Corporation, public or private now existing, or hereafter established by its authority.

On motion, it was referred to Committee on Political or Legislative.

Mr. Lippard introduced the following resolution:

Resolved, That the Committee appointed to investigate the financial condition of the State Penitentiary be, and are hereby authorized to inquire into and ascertain the cause for which each convict was committed, and for what length of time.

Mr. Bryant, of Harris, moved the suspension of the rules to take up the resolution.

Rules were then suspended, and resolution ordered to be engrossed.

On motion, the rules were further suspended, resolution read a third time and passed.

Mr. Munroe moved that Mr. Evans, of Titus, be added to Committee on Division of the State. There being no objection, Mr. Evans was added to the Committee on Division of the State.

Mr. Hamilton, of Bastrop, moved that Mr. Armstrong, of Jasper, be added to Committee on Public Lands.

There being no objection, Mr. Armstrong was added to Committee on Public Lands.

Mr. Flanagan offered the following resolution:

Be it Resolved, 1. That the Executive, E. M. Pease, be requested to procure a suitable frame to contain the portrait of the great father and statesman of Texas, Gen. Samuel Houston.

Resolved, 2. And the sum of —— dollars is hereby appropriated to carry out this resolution.

On motion, the resolution was referred to Committee on Contingent Expenses.

The President announced the unfinished business of yesterday to be next in order, to suspend rules, to take up minority report of Judiciary Committee upon forced sales by Sheriffs.

Mr. Whitmore offered the following substitute:

Be it ordained by the Convention, That until the first of January 1870, no property, real or personal, belonging to any debtor, or the estate thereof, shall, after the passage of this ordinance, be subject to execution or forced sale, unless it shall bring two-thirds of the full amount of its assessed value, to be ascertained by the Tax Roll of the year 1860, and under rules and regulations by law, and that this ordinance take effect and be in force from and after its passage.

Mr. Hamilton, of Bastrop, moved the previous question upon the adoption of the minority report.

The motion being seconded by the required number, was withdrawn to give Mr. Hamilton, of Travis, the floor.

The question then recurring "Shall the main question be now put?"

The main question was ordered.

The question recurring upon the engrossment of the resolution, the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Buffington, Butler, Burnett, Caldwell, Carter, Flanagan, Flanagan W., Fleming, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Keigwin, Leib, Long, Mackey, McCormick, Morse, Pedigo, Phillips of Wharton, Rogers, Scott, Smith of Marion, Stockbridge, Talbot, Varnell, Wilson of Brazoria, Wright—36.

Nays—Messrs. President, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Cole, Coleman, Constant, Curtis, Degener, Evans of McLennan, Evans of Titus, Fayle, Foster, Glenn, Goddin, Hamilton of Bastrop, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Lindsay, Lippard, McWashington, Mills, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Sorrell, Sumner, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough.—50.

So the Convention refused to engross.

Mr. Hamilton of Travis, asked leave of absence for Mr. Mackey during the week.

Leave granted.

Mr. Butler moved the Convention proceed at once to take up the business on the President's table.

Carried.

The President announced the business first in order was upon the third reading of the resolution authorizing the Committee on Penitentiary matters to proceed to Huntsville and examine accounts.

Resolution read third time and passed.

The next business in order was the report of Committee on Federal Relations upon the declaration offered by Mr. Evans of McLennan.

Mr. Bryant of Grayson, moved to refer the report to Committee of the whole, and be made the special order for to-morrow at eleven o'clock.

Mr. Hamilton of Travis, moved that the Convention go into Committee of the whole upon the report of the Committee on Federal Relations.

Carried.

The Convention then went into Committee of the whole, Mr. Evans of Titus being in the chair.

The committee rose and reported progress.

The President announced the next business was the resolution of Mr. Smith of Galveston, to dispense with the services of the reporter of the Convention.

Mr. Smith moved the indefinite postponement of the resolution.

Carried.

The President announced the next business in order was the resolution offered by Mr. Bledsoe authorizing the President to administer to him the iron clad oath.

Mr. Lippard offered the following amendment:

"And further, that said oath be administered to all other members desiring to take the same."

The President decided that the amendment was out of order.

The question then recurring upon permitting Mr. Bledsoe to take the specified oath.

The resolution was adopted, and Mr. Bledsoe took the iron clad oath.

The President announced the next business in order was upon the report of the Committee on State Affairs respecting the admittance of Mr. O'Larey into the Blind Asylum.

Mr. Posey moved that the report of the Committee on State Affairs be adopted.

Mr. McCormick made the following point of order:

When a resolution or declaration has been introduced, read first time and committed by the House to a standing committee, and the committee report unfavorably, and recommend that it do not pass, if the report of the committee be not concurred in by the House, the original resolution remains before the House, subject to be disposed of as a bill or declaration on its second reading.

The chair ruled that the report of the committee was the original matter before the House, and that the original resolution could only be taken up on a motion to substitute the original resolution for the report of the committee, or for the resolution offered by the committee, or be offered as an amendment to the resolution; from which ruling of the President Mr. McCormick appealed to the Convention, and the question being put "shall the decision of the chair stand as the decision of the Convention," the yeas and nays were called, and resulted as follows:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Carter, Coleman, Constant, Curtis, Downing, Evans of McLennan, Evans of Titus, Glenn, Goddin, Gray, Grigsby, Harris, Harne, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Lieb, Lindsay, Long, McWashington, Mills, Morse, Muckelroy, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Sorrell, Sumner, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Milam—58.

Nays—Messrs. Brown, Caldwell, Cole, Degener, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Bastrop, Johnson of Calhoun, Kuechler, McCormick, Mundine, Pedigo, Phillips of Wharton, Smith of Galveston, Stockbridge, Thomas, Wilson of Brazoria.—19.

So the decision of the President was sustained.

On motion, the Convention adjourned till 9 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
June 17, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President directed the Secretary to read the following communication:

AUSTIN, TEXAS,
June 15, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: I herewith present to you, for the use of the Convention over which you have the honor to preside, the New York Convention Manual, containing all the Constitutions of the respective States of the Union as they existed prior to the recent Conventions of the Southern States called under the Reconstruction Acts of Congress. I trust that these precedents may be of service to the Convention in the great work now before it.

I remain, with great respect,

GEO. W. PASCHAL.

Mr. McCormick, from the Committee on Contingent Expenses, offered the following report:

COMMITTEE ROOM,
June 17, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Contingent Expenses, to which was referred the resolution introduced by Mr. Sumner instructing the Committee on Contingent Expenses to "inquire whether there are more pages, messengers and porters now employed by this Convention than are required to perform the work, and also to report what number of each is necessary," have had the same under consideration, and after full investigation beg leave to report that there are no more messengers and pages than are needed now employed. We find there are now employed five messengers and four pages, and five porters. The duties of the pages appear to require more time and labor than the duties of the porters, and we recommend that one of the porters be assigned to duty as a page, which will give five messengers, four porters and five pages, and all of whom in the opinion of the Committee are needed for the work. And that system and efficiency may mark the labors of these employes, we are of the opinion that the Sergeant-at-Arms should assign each his respective sphere of duty, and exercise a general and constant superintendence over the labors of all of these employes, under instructions, in doubtful matters, from the President of the Convention.

A. P, McCORMICK,
Chairman.

COMMITTEE ROOM,
June 17, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Contingent Expenses, to which was referred the resolution introduced by Mr. Johnson of Calhoun, in reference to the duties and pay of the Engrossing and the Enrolling Clerks, have had the same under consideration, and are unable to discover any just reason for making these officers of the Convention subject to the orders or requirements of the Secretaries, or for reducing their pay while they properly discharge the duties of their respective offices. The Committee are, however, of the opinion that these clerks when not engaged in the discharge of the regular duties of their respective offices should assist the Secretary; and I am instructed to report the accompanying resolution as a substitute for the original resolution:

A. P. McCORMICK,
Chairman.

Resolved, That the Enrolling and the Engrossing Clerks of the Convention, when not engaged in the discharge of the regular duties of their respective offices, shall be employed as assistant secretaries, under the direction of the Chief Sècretary.

Mr. Armstrong moved a suspension of rules, and the resolution was taken up and engrossed.

On motion the rules were further suspended, resolution read third time, and passed.

Mr. Munroe, from the Committee on Engrossed Provisions, made the following report:

COMMITTEE ROOM,
June 17, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Engrossed Provisions, after examination, instruct me to report the following resolution as correctly engrossed:

Resolved, That the Committee on Political or Legislative Department be empowered to employ a clerk at a compensation of $4 00 per diem, provided that said clerk be employed on any other committee that needs his services when not employed on Committee on Political or Legislative Department.

Respectfully submitted,
A. T. MUNROE,
Chairman.

Mr. McCormick moved a suspension of rules to take up resolution of Mr. Evans, of McLennan, requesting the Commanding General of the Fifth Military District to approve the appropriation of $125,000 to pay the expenses of the Convention, reported from Committee on Contingent Expenses.

Rules suspended and resolution read a second time.

Mr. Hamilton, of Bastrop, offered the following amendment:

Provided, That all accounts presented to the Treasurer for printing ordered by this Convention shall have attached a sample sheet of the work done, and the accounting officers of the Provisional Government shall examine, adjust and settle the same in accordance with the law regulating public printing, declared to be in force by proclamation of His Excellency E. M. Pease, notwithstanding any contract which may have been made by the Committee on Printing, or any other committee or officers of the Convention.

The amendment was ruled out of order.

Resolution was then ordered to be engrossed.

Mr. Evans, of McLennan, moved a further suspension of rules to put resolution on its third reading.

Rules suspended; resolution read a third time, and passed.

Mr. McCormick moved a suspension of the rules, and that the declaration amending the original declaration appropriating one hundred and twenty-five thousand dollars for the payment of the members and officers of the Convention be taken up.

Carried, and resolution read second time.

Mr. Butler moved it be engrossed.

Carried.

Mr. McCormick moved a further suspension of rules to put declaration on third reading.

Carried.

Declaration read a third time and passed.

Mr. Schuetze offered the following declaration:

Be it declared by this Convention, That the following be a section of the Constitution of the State of Texas.

SECTION —. That no person shall be deprived by law of the right to indulge in public or private recreation or pleasure on any day of the week, provided that any person availing himself of that right shall not thereby violate public decency or the respect due to public worship.

On motion of Mr. Schuetze, the declaration was referred to the Committee on Political or Legislative Department.

Mr. Armstrong, of Lamar, offered the following declaration:

A DECLARATION

Appropriating twenty-five thousand dollars, to be used by the Governor in the apprehension of lawless and desperate persons.

It is hereby declared by the people of Texas in Convention assembled, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any monies in the Treasury not otherwise appropriated, and that the said sum is hereby placed under the control of the Governor, to be used by him in the apprehension of lawless and desperate persons in this State.

On motion the declaration was referred to the Committee on Finance.

Mr. Evans, of McLennan, offered the following:

WHEREAS, There exists all over the State of Texas a class of desperadoes engaged in theft, murder and robbery, and

WHEREAS, It becomes of the greatest importance that such desperadoes be arrested and brought to justice,

Be it therefore declared, That, first, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and that the same be placed at the disposition of the Governor of Texas, to enable him to offer suitable rewards for the arrest and apprehension of such desperadoes, and to employ detectives to ferret out their hiding places, etc., and that this resolution be forwarded to the Commanding General of the Fifth Military District for approval.

Referred to Committee on Finance.

Mr. Fayle offered the following resolution:

Resolved, That all editors and publishers of newspapers advocating secession and rebellion prior to and during the war, and that have persistently since that time denounced the Congress of the United States, loyal men, and the Reconstruction Acts, be and the same are hereby disfranchised.

Referred to Committee on Political and Legislative.

Mr. Johnson, of Calhoun, offered the following resolution:

Resolved, That all males arriving at the age of maturity after the fourth day of July, A. D. 1876, who are unable to read and write the Constitution of the United States understandingly, shall be deemed unqualified and debarred from the rights of suffrage. The same to apply to all immigrants arriving in this State from other States or countries, as well as to those arriving at the age of maturity in this State.

Mr. Hamilton, of Bastrop, moved to lay the resolution on the table; upon which the yeas and nays were demanded.

Motion to table withdrawn by consent, and the resolution referred to Committee on Political and Legislative.

The President announced the unfinished business of yesterday was next in order, upon the motion of Mr. Posey to adopt the report of the Committee on State Affairs respecting the admission of J. P. O'Larey into the Blind Asylum.

Report adopted.

The President announced the next business in order was the report of the Committee on Printing, with accompanying resolution providing for the publication of the debates of the Convention in the Austin *Republican*.

The resolution was read second time, and ordered to be engrossed.

Mr. McCormick moved a suspension of rules to put the resolution on its final passage.

Rules suspended, resolution read third time and passed.

Also, a report with resolution upon the resolution of Mr. Boyd, instructing the Secretary to place to the credit of delegates who do not desire to take certain papers the amount of cost of such papers to the account of such delegates.

Mr. Armstrong, of Jasper, moved the resolution as offered by the Committee be laid upon the table; upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Armstrong, of Jasper, Bellinger, Boyd, Brown, Butler, Downing, Evans, of Titus, Webster Flanagan, Gaston, Glenn, Hamilton, of Bastrop, Hamilton, of Travis, Hunt, Johnson, of Calhoun, Kealy, Keigwin, Kuechler, Kirk, Lippard, Morse, Muckleroy, Mullins. Patten, Pedigo, Rogers, Sorrell, Varnell, Vaughan, Wright. —29.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bell, Bledsoe, Board, Bryant, of Grayson, Bryant, of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Degener, Evans, of McLennan, Fayle, Flanagan, Fleming, Foster, Goddin, Gray, Grigsby, Harn, Johnson, of Harrison, Jordan, Kendal, Leib, Lindsay, Long, McCormick, McWashington, Mills, Mundine, Newcomb, Oaks, Phillips, of San Augustine, Phillips, of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Yarborough —57.

So the motion to lay on the table was lost.

Mr. Armstrong moved to refer the report and resolution to the Committee on State Affairs.

It was so referred.

The President announced the hour having arrived for the session of the Committee of the Whole to proceed to the consideration of the report of the Committee on Federal Relations upon the declaration offered by Mr. Evans, of McLennan.

The President called Mr. Whitmore to the Chair.

The Committee rose, reported progress, and asked leave to adjourn until ten o'clock to-morrow; which leave was granted.

On motion the Convention adjourned till to-morrow at nine o'clock A. M.

CAPITOL, AUSTIN, TEXAS,
June 18, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President directed the Secretary to read a communication from the postmaster in Austin, respecting postage on newspapers.

Mr. Carter, from the Committee on Style, made the following report:

HON. E. J. DAVIS,

President of the Convention:

SIR: The Committee on Style, to whom was referred the engrossed provisions enclosed, have examined the same and found them correct.

Mr. Harne, of Grimes, offered the following resolution:

WHEREAS, Richard Fortie (colored), formerly of Grimes county, now in the county of Travis, is a lunatic, wild and frantic, and should be restrained and provided for; therefore, be it

Resolved, That the Judiciary Committee be instructed to report, by declaration or otherwise, what action, if any, is necessary to be taken by this Convention to restrain, protect and provide for said lunatic.

On motion, the resolution was referred to the Judiciary Committee.

Mr. Rogers, of Fannin, offered the following declaration:

Be it declared, That hereafter no loyal ministers of the Gospel shall be declared ineligible to hold any office of honor or profit in this State.

On motion the resolution was referred to the Committee on General Provisions.

Mr. Lindsay offered the following resolution:

Resolved, That the following rule be adopted, in addition to the rules already adopted for the government of the proceedings of this Convention:

Resolved, Second, That a simple resolution, which only affects the personal rights or privileges of individual members of the Convention, may be disposed of by a vote on the first reading.

Resolved, Third, That this rule be inserted among the general rules of the Convention, after the twenty-fourth section thereof.

Laid over one day under the rules.

Mr. Burnett offered the following resolution:

WHEREAS, Many towns and cities of the State of Texas have the same names as counties in which they are not situated (as the city of Austin, in Travis county, when there is in the State a county of Austin, etc., etc.), which causes confusion, especially in postal affairs; and

WHEREAS, Names of towns and counties should be used with a view to the practical utility of the citizens; therefore, be it

Resolved, That the following be sections of the Constitution of Texas:

SEC. —. The Legislature shall, at its first session after the adoption of this constitution, so change or rearrange the names of the several counties and county sites of the State, so that the name of the county site of every county shall be the same as the county of which it is the county site, with the addition of "court house," "town," or "city," as the Legislature may chose.

SEC. —. Hereafter, when any new county shall be created, the county site of said county shall take the name of the county of which it is the county-site, with the addition of "court house," "town," or "city," as the Legislature may choose.

On motion, the resolution was referred to Committee on Counties and County Boundaries.

Mr. Armstrong, of Jasper, introduced a letter from D. C. Dickson, and requested it be referred to the Committee on the Penitentiary.

It was so referred.

Mr. Hunt, of Comal, offered the following resolution:

Resolved, That the Secretary be instructed to procure the report made by William Alexander, while Attorney-General, to the Governor of the State, and that two hundred copies of the same be printed for the use of this Convention.

Mr. Hunt moved a suspension of rules to put resolution on its passage.

Rules suspended; resolution read.

The question being upon the adoption of the resolution, Mr. Burnett moved to amend by inserting "four hundred," instead of "two hundred."

Adopted.

The resolution, as amended, was then adopted.

Mr. Goddin moved that Mr. Hamilton, of Bastrop, be added to Committee on Penitentiary.

Mr. Hamilton asked to be excused.

Mr. Butler moved that Mr. Harne be added to Committee on Penitentiary.

No objection being made, it was so ordered.

Mr. Butler moved that the Convention resolve itself into Committee of the Whole upon the report of the Committee on Federal Relations.

Carried.

Mr. Armstrong, of Lamar, in the Chair.

Committee of the Whole rose, reported progress, and asked leave to sit to-morrow morning, at ten o'clock.

Leave granted.

On motion the Convention adjourned until 9 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JUNE 19, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Hamilton, of Travis, moved to adjourn until 9 o'clock to-morrow morning.

Motion withdrawn to allow the President to lay before the Convention the following communications from His Excellency, Governor E. M. Pease:

EXECUTIVE OFFICE,
AUSTIN, *June* 18*th*, 1868.

HON. E. J. DAVIS,
President of the Covention:

SIR: I have the honor to acknowledge the receipt, this morning, of your letter of the 17th inst., transmitting certified copies of Declarations which have passed the Convention, appropriating out of the Treasury of the State one hundred and twenty-five thousand dollars, to defray the expenses of said Convention; and, also, a resolution requesting the Military Commander of the Fifth Military District to approve said appropriation.

You will please communicate to the Convention that I have this day transmitted the copies of said Declarations and Resolution to Bvt. Maj. Gen. J. J. Reynolds, with the recommendation, that the Commanding General of the Fifth Military District make an order in accordance with the resolution of the Convention.

Very Respectfully,
Your ob't servant,
E. M. PEASE.

EXECUTIVE OFFICE,
AUSTIN, *June* 18th, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: I have this day received, from the Secretary of the Convention, a copy of a resolution passed by that body, in the following words, viz:

"Mr. Hunt, of Comal, offered the following resolution:

"*Resolved*, That the Secretary be instructed to procure the report made by Wm. Alexander, State Attorney General, to the Governor of the State, and that two hundred copies of the same be printed for the use of this Convention.

"Mr. Burnett moved to amend, by inserting four hundred copies instead of two hundred.

"The resolution as amended was adopted.

"I certify that the above is a correct copy of the resolution and amendment, offered by Mr. Hunt, and adopted on this, the 18th day of June, 1868.

"WM. V. TUNSTALL,
"Secretary of the Convention."

I beg leave to inform the Convention, through you, that no report was made to this office by Wm. Alexander, while Attorney General.

Several months after the resignation of Mr. Alexander, he sent to this office a report, which, I presume, is what the mover of the resolution desired to obtain, and I therefore transmit it to the Convention through you, with a request that it be returned to this office, when the Convention shall have got through with it.

Very Respectfully,
Your ob't servant,
E. M. PEASE.

Upon the motion to adjourn until to-morrow morning, at 9 o'clock, the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. President, Adams, Armstrong, of Lamar, Bell, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Flanagan, Webster, Fleming, Foster, Gray, Grigsby, Hamilton, of Bastrop, Hamilton, of Travis, Harne, Hunt, Johnson of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Mundine, Munroe, Newcomb, Patten, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Rogers, Ruby, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wright—64.

Nays—Messrs. Armstrong, of Jasper, Bellinger, Boyd, Burnett, Gaston, Glenn, Goddin, Harris, Kirk, Leib, Mills, Mullins, Sorrel, Wilson of Milam, Yarborough—15.

So the Convention adjourned until to-morrow morning at 9 oclock.

CAPITOL, AUSTIN, TEXAS,
June 20, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Armstrong of Jasper, offered the following protest:

HON. E. J. DAVIS,
President of the Convention:

The undersigned delegates ask leave to present their objections to the passage of the resolution offered by the honorable delegate from Travis county, A. J. Hamilton, on the 15th inst., "urging upon the Congress of the United States the necessity of authorizing the organization by this Convention of a militia force in the several counties of this State, to act in conjunction with and under direction of the military commander therein. In the first we are of opinion that the rumors and reports in regard to lawlessness and crime are greatly exaggerated, and many of them have no foundation in fact; and if the power asked be granted, owing to the existence of much excitement and unfounded fears, the result will be unfavorable to the promotion of peace and good order.

We believe, furthermore, that the organization of such a force by a political party would only tend to exasperate the public mind and in all probability have the effect to produce conflicts of races, and in our judgment, the officers of the Provisional Government, if they will do their duty, together with the military, are fully able to bring all transgressors to punishment; and we do not hesitate to say that the masses of the people, if called on, would lend any needful assistance.

We believe, moreover, that the military authorities of this District, on proper application made, will furnish ample protection to our citizens.

In our opinion, this resolution, if not an expressed is an implied censure of the commander of this military district, and the granting of such power would invest the commander of this State, through this Convention, with power over the District Commander within the limits of this State. Seeing no good that will probably result from the passage of the resolution, we respectfully submit this protest and ask that the same be spread on the journals of this Convention.

ARMSTRONG of Jasper,
W. H. MULLINS,
MARSHALL GLENN,
J. B. BOYD,
G. M. L. SOKELLE.

Mr. Buffington moved to spread the protest upon the minutes.

Mr. Bryant of Grayson moved to lay the protest upon the table, upon which the yeas and nays were demanded.

Mr. Flanagan moved to suspend the rules to allow Mr. Armstrong to speak in support of his protest.

Rules suspended.

The yeas and nays being called upon the motion to lay the protest upon the table, resulted thus:

Yeas—Messrs. President, Bell, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant of Harris, Buffington, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, Foster, Grigsby, Hunt, Johnson, of Harrison, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Munroe, Oaks, Patten, Phillips, of San Augustine, Ruby, Slaughter, Smith of Galveston, Smith, of Marion, Sumner, Vaughan, Watrous, Whitmore, Williams, Yarborough—41.

Nays—Messrs. Adams, Armstrong, of Jasper, Armstrong of Lamar, Bellinger, Burnett, Caldwell, Cole, Evans of Titus, W. Flanagan, Gaston, Glenn, Goddin, Gray, Hamilton of Bastrop, Hamilton, of Travis, Harris, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kirk, Lindsay, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Pedigo, Phillips of Wharton, Rogers, Schuetze, Scott, Sorrell, Stockbridge, Talbot, Thomas, Varnell, Wilson of Brazoria, Wilson of Milam, Wright—41.

So the motion to lay the protest upon the table was lost.

Mr. Whitmore, Chairman of the Committee on Finance, made the following reports:

COMMITTEE ROOM,
AUSTIN, June 20, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Finance, to whom was referred the declaration introduced by Messrs. Evans of McLennan and Armstrong of Lamar, asking an appropriation of twenty-five thousand dollars to be used by the Governor, if found to be necessary, in the apprehension of lawless and desperate persons, have had the same under consideration. A majority of said committee instruct me to report the same back to the House, and ask that the declaration offered by Mr. Evans of McLennan do pass.

G. W. WHITMORE,
Chairman.

COMMITTEE ROOM,
June 20, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Finance, to whom was referred the resolution offered by Mr. Armstrong of Lamar, providing for the payment of the unsettled balance due the civil officers of this State, appointed by Governor A. J. Hamilton, have had the same under consideration, and herewith transmit the same to the Convention with the recommendation that it do pass.

G. W. WHITMORE,
Chairman.

Mr. Glenn offered the following minority report:

COMMITTEE ROOM,
AUSTIN, June 19, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: I do not think that the adoption of the resolution appropriating twenty-five thousand dollars for the arrest of desperadoes and thieves, as recommended in the majority report of the Committee on Finance, necessary or expedient.

It seems to me that the measures of the Convention to secure the organization of a militia force throughout the State by Congress, to act in conjunction with the military and civil already existing in the State, if of any effect at all, are sufficient to answer any emergency that may arise in the apprehension and arrest of those contemplated in the original resolution.

The military commander in this State has by his order shown an entire willingness and earnest desire to furnish a sufficient force to any of the post commanders throughout the State, to give protection to the various sections or districts where they may be located. And in no instance has he intimated that his powers were not adequate; and when I consider the aid he offers in connection with the powers of civil officers in the State, who by law have the authority to call to their aid the *posse commitatus*, together with the various expenditures which are bound to be met in the progress of reconstruction from the Treasury Department, am driven to the conclusion that the majority report in this behalf should not be adopted by this Convention. All of which I most respectfully submit.

MARSHALL GLENN.

Mr. Degener moved to suspend the rules to take into consideration the majority report of the Finance Committee upon the resolution offered by Mr. Evans of McLennan, appropriating twenty-five thousand dollars to be used by the Governor of the State in apprehending lawless persons.

Rules suspended.

Mr. Hamilton of Bastrop offered the following amendment to the resolution:

Provided that no part of the sum shall be used unless the military commander of the District of Texas shall first be authorized to organize military commissions for the trial of offenders.

Mr. Burnett moved that the Convention resolve itself into committee of the whole upon the report of the Committee on Federal Relations.

Carried.

Mr. Armstrong of Lamar in the chair.

Committee rose, reported progress and asked leave to sit on Monday morning at 10 o'clock.

Leave granted.

Mr. Munroe, from the Committee on Engrossed Provisions, made the following report:

COMMITTEE ROOM,
June 20, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Engrossed Provisions, after examination, instruct me to report the following declaration and resolutions as correctly engrossed.

1st. Preamble and resolutions urging upon the Congress of the United States the necessity of appointing a force in each county for the suppression of crime and lawlessness.

2d. Resolution authorizing the Committee on Penitentiary to inquire into the laws under which convicts are held.

3d. Resolution instructing engrossing and enrolling clerks when not engaged in their duties, to assist the Secretary.

4th. Declaration amendatory of a declaration appropriating $125,000 for the pay of members of the Convention and officers.

5th. Resolution authorizing the publication of the debates of the members of the Convention.

6th. Resolution requesting the Commanding General to approve the appropriation of $125,000 to defray expenses of the Convention.

Respectfully submitted,
A. T. MUNROE,
Chairman.

Report adopted.

On motion, the Convention adjourned until Monday morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
JUNE 22, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of Saturday read and adopted.

Mr. Carter offered the following report:

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Style, to whom was referred the enclosed engrossed provisions numbered 9, 10, 11, 12 and 13, have examined the same and return them corrected, with slight alterations in verbiage.

CARTER,
Chairman.

Report adopted.

Mr. Carter offered the following resolution, and asked its reference to Committee on Commerce and Manufactures:

WHEREAS, It being the policy and duty of the people of Texas to foster and encourage the industrial interests of its citizens, particularly as regards its manufacturing interests; therefore be it

Resolved, That all machinery imported into this State for manufacturing purposes, shall be exempt from all taxation for five years from the date of its being put into operation.

It was so referred.

Mr. Mills offered the following resolution, and asked its reference to Committee on Federal Relations:

WHEREAS, The people of the county of El Paso, in the State of Texas, and the county of Dona Anna, in the territory of New Mexico, have petitioned the Congress of the United States to give them a territorial government, and,

WHEREAS, Owing to the geographical position of the aforesaid county of El Paso, it is inconvenient and unwise that it should be longer a part of the State of Texas, and

WHEREAS, In the opinion of this Convention, it would be better, both for the people of the State and for the people of the aforesaid counties, that such territory should be formed; therefore,

Be it resolved by the people of the State of Texas in Convention assembled, That the political jurisdiction over the said county of El Paso, and the right of public domain therein is hereby relinquished to the United States of America; *provided*, that the said United States shall form a territorial government of which the said county of El Paso shall be a part.

It was so referred.

Mr. Wilson, of Brazoria, offered the following resolution, and asked its reference to Committee on the Judiciary.

Resolved, That every debtor whose property shall be sold by virtue of a writ of execution, to satisfy the payment of debts, shall be entitled to redeem the same at any time before the first day of January, 1874, by refunding to the purchaser or purchasers the amount of money paid for the property thus sold, together with twelve per cent. interest, and paying for all improvements put upon said property, to be valued by two disinterested appraisers; provided, however, that debtors shall not redeem real estate thus sold, if it should bring two-thirds of its assessed value in 1860.

It was so referred.

Mr. Glenn introduced the following ordinance, and asked its reference to the Committee on the Division of the State:

AN ORDINANCE

To provide for a division of the State of Texas.

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled*, That the Legislature shall be vested with power to give the consent of the State to the erection of a new State or States, within the limits of this State, and to pass all laws necessary to designate the boundaries of such new State or States, to enable the people of the same to organize State governments.

The Legislature is also vested with power to settle the claims of such new State or States to a proper share of the school fund and public domain.

It was so referred.

The President announced the unfinished business to be the report of the Committee on Finance, with accompanying resolution, as amended by Mr. Hamilton, of Bastrop.

The question recurring upon the adoption of the amendment, it was adopted.

The question recurring upon the engrossment of the resolution as amended, it was read a second time and ordered to be engrossed.

Mr. Armstrong, of Lamar, moved a further suspension of the rules, to put resolution on its third reading.

Rules suspended.

Mr. Mullins offered the following amendment:

Amend by striking out "disposition" and insert "disposal."

Mr. Flanagan moved to lay the amendment on the table.

Carried.

Resolution read a third time, and passed.

Mr. Munroe moved a reconsideration of the vote by which the resolution was adopted.

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jaspar, Boyd, Burnett, Cole, Evans of Titus, Gaston, Glenn, Johnson of Calhoun, Keigwin, Kirk, Mullins, Munroe, Sorrell—14.

Nays—Messrs. President, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Caldwell, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harne, Hunt, Johnson of Harrison, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—65.

So the Convention refused to reconsider the vote.

Mr. Evans, of McLennan, moved to take up the unfinished business upon the President's table.

Carried.

The President announced that the first business in order was the resolution of Mr. Lindsay, to amend the rules of the Convention, such rule to be inserted after the twenty-fourth section of the rules.

Mr. Lindsay offered the following amendment:

Amend by inserting after the word "Convention" the following: "or resolutions relating solely to the internal government of the House, or relating to the printing of documents which have been read in the Convention."

The question recurring upon the adoption of the amendment, it was adopted.

Rule as amended was then adopted as a rule of the Convention.

The President announced the next business in order was the report of Committee on Printing, with reference to the purchase of maps for the use of the Convention.

Mr. Degener moved the adoption of the original resolution offered by Mr. Ruby.

Lost.

The question recurring upon the adoption of the report of the committee, it was adopted.

The next business in order being the third reading of a resolution as reported from the Committee on State Affairs, defining the powers of the Convention, Mr. Armstrong, of Jaspar, moved to lay the resolution as reported from committee on the table.

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jaspar, Boyd, Cole, Gaston, Kirk, Mills, Muckleroy, Mullins, Sorrell—9.

Nays—Messrs. President, Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Coleman, Constant, Curtis, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harris, Harne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Morse, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, and Wright—74.

So the Convention refused to lay the resolution upon the table.

The question recurring upon the final passage of the resolution, the same was passed.

Mr. Patten moved that the Convention resolve itself into Committee of the Whole upon the report of the Committee on Federal Relations.

Carried.

Mr. Armstrong, of Lamar, in the Chair.

The Committee rose, reported progress, and asked leave to sit to-morrow morning. at ten o'clock.

Leave granted.

Mr. Hamilton, of Travis, moved that Mr. Kirk be indefinitely excused from the sittings of the Convention.

By consent of the House, Mr. Kirk was excused.

On motion the Convention adjourned until nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS;
JUNE 23, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the chaplain. Journal of yesterday read and adopted.

Mr. Hunt, of Comal, presented the following petitions, and asked their reference to the Committee on Counties and County Boundaries.

To the Honorable Convention
Of the State of Texas:

Your petitioners, resident citizens of the county of Guadalupe, respectfully represent to your Honorable Body that they suffer great inconvenience from being incorporated within the limits of the county of Guadalupe, because they live in the north-western part of said county, at a considerable distance from Seguin, the county seat thereof, but in close and immediate neighborhood of New Braunfels, the county seat of Comal county, along the present south-eastern line of said county. That their main business transactions are with New Braunfels, as the nearest and most convenient place therefor. That there is their postoffice, there the churches, there the mills and trading houses, they go to. And with the citizens thereof, they are connected by family, social and numerous other ties, and by their mutual interests. All of which render it desirable and necessary that the territory, upon which they reside, be annexed to the county of Comal.

Therefore, the premises considered, petitioners pray your Honorable Body to pass an ordinance establishing the south-east boundary line of Comal county, so as to embrace the territory upon which your petitioners reside.

And as in duty bound, they will ever pray, &c.

(Signed by) AUGUST WEGEL,
And sixty-nine others.

To the Honorable Convention
Of the State of Texas:

Your petitioners, resident citizens of the county of Comal, respectfully represent unto your Honorable Body:

That, by the act creating the county of Blanco, a very large and valuable portion of about 550 square miles was cut off from the original county of Comal, for the purpose of creating the county of Blanco then, and that of Kendall afterwards;

That, in lieu thereof, by the said act, a small part of the territory of the county of Guadalupe was attached to said county of Comal, containing only about fifty square miles;

That the natural formation of the county is such, that of the present area thereof only narrow parts of the Guadalupe river valley and the small valley of Comal creek, on the south-eastern boundary line of the county, are fit for cultivation and settlement, while the greater portion of the county is mountainous and rocky;

That New Braunfels, the county seat, is situated on the south-east boundary line of the county, and that the settlements, situated along, and immediately below and along said line, in Guadalupe county, on the Guadalupe and Santa Clara, are in fact an extension and part of the New Braunfels colony, and form a nucleus around said city as their centre of trade;

That the interests of the citizens residing in that part of Guadalupe county, are identified with those of Comal county, as well by their general business transactions and social relations, as by their national and family and religious connections: so that their mutual interests would be materially promoted, if they were embraced in the same county.

The premises considered, your petitioners respectfully pray that your Honorable Body may pass an ordinance establishing the southeastern boundary of Comal county, as delineated on the following plot by A. B. & C, which is herewith respectfully submitted to the consideration of your Honorable Body as a part of the petition.

And as in duty bound, they will ever pray, &c.

(Signed by) FRANK GOLDBECK,
Mayor of New Braunfels,
And Ninety-One Others.

Referred to the Committee on Counties and County Boundaries.

Mr. Fayle, from the Committee on Enrolled Provisions, made the following report:

AUSTIN, June 23rd, 1868.

TO THE HON. E. J. DAVIS,
President of the Convention:

SIR: The enrolling committee have examined the following declarations and resolutions, Nos. 1 to 7, and find them to be correctly enrolled.

No. 1. Declaration fixing the *per diem* pay of members and officers of the Convention.

No. 2. Resolution urging Congress to transfer certain powers from the Military Commander of the Fifth Military District to this Convention.

No. 3. Resolution, for the furnishing Paschal's Digest of the Laws of Texas to committees, and opening State Library to members of the Convention.

No. 4. Resolution, on printing two hundred copies of the Reconstruction Laws of Congress.

No. 5. Resolution, for the purchase of one hundred and fifty copies of Paschal's Annotated Constitution of the United States.

No. 6. Resolution, for special committee, to examine the administration and financial condition of the State Penitentiary.

No. 7. Resolution authorizing the Secretary to order two thousand copies of the Austin Daily Republican, five hundred copies of the tri-weekly Freie Presse, and four hundred copies of the San Antonio Daily Express, for the use of the members of this Convention.

Respectfully submitted,
WM. R. FAYLE,
Chairman Enrolling Committee.

Mr. McCormick, from Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
June 20, 1868.

HON. E. J. DAVIS,
President of the Convention:

Sir: Your Committee on Contingent Expenses, to which was referred the resolution introduced by Mr. J. W. Flanagan, in reference to procuring a suitable frame for the portrait of Gen. Houston, have had the same under consideration, and have instructed me to report the same back to the Convention, with the recommendation that the blank between the words "of" and "dollars" in the second section of the resolution be filled with "two hundred", and that the following be added as a third section to the resolution:

SECTION 3. That the certificate of His Excellency, E. M. Pease, shall be a sufficient voucher to authorize the Comptroller to draw his warrant upon the Treasurer, for the amount of the cost of framing said portrait.

And that, with these amendments, said resolution be passed.

A. P. McCORMICK,
Chairman of Committee.

Mr. Pedigo offered the following resolution:

Resolved, That the President be requested to appoint a special committee consisting of seven members, whose duty it shall be to report to this Convention the names of such loyal citizens now laboring under political disabilities, as may be deemed worthy of relief, in order that this Convention may, by memorial or otherwise, ask the Congress of the United States to remove by law such disabilities.

Mr. Armstrong, of Lamar, moved that the rules be suspended to allow consideration of the resolution.

Rules suspended.

The question being upon the adoption of the resolution, it was adopted.

Mr. Goddin offered the following declaration and resolution, and asked that they be referred to the Committee on Judiciary.

Whereas, no adequate means exist in the State of Texas, for the punishment of petty crimes and offenders: Therefore,

Be it Ordained, by the Representatives of the People in Convention assembled, That the Legislature be, and hereby are, instructed and required to establish in each county of the State a County Workhouse, for the punishment and safe-keeping of such offenders, under such rules and regulations, as the Legislature may see fit to prescribe.

Referred to the Judiciary Committee.

Whereas, the practice of carrying deadly weapons, concealed or otherwise, about the person, is detrimental to the peace and pernicious to the well-being of society: Therefore,

Be it resolved by the Representatives of the people of Texas in Convention assembled, That any person found with a deadly weapon about their person, including a knife with a blade over three inches long, shall, on conviction thereof, be deemed guilty of a misdemeanor, and fined in a sum of not less than five hundred nor more than one thousand dollars, or confined in the county prison for a period of not less than six nor more than twelve months, or both, at the discretion of the jury, as may be prescribed by the Legislature.

Referred to the Committee on Judiciary.

Mr. Carter offered the following resolution:

WHEREAS, Certain lands lying on what is called the "Memphis and El Paso Railroad Reserve," are now and have been for years withheld from location and settlement, by virtue of a charter granted to the "Memphis and El Paso Railroad," (the terms of said charter not having been complied with) thereby materially retarding the settlement of said lands, and consequent protection of the few settlers therein, and said reservation of lands having proved disastrous to the best interests of the country; therefore

Be it resolved, That the even sections of land in said reserve be open to location, by pre-emption or otherwise, upon the same terms as are required in the location or pre-emption of lands belonging to the State outside of said reserve.

On motion, the resolution was referred to the Committee on Public Lands.

Mr. Degener offered the following preamble and resolution:

WHEREAS, A bill for the division of Texas into three separate States is now pending in the Congress of the United States,

Be it resolved, FIRST. That the public domain of Texas, its public buildings, cash and bonds on hand, and all the claims the State may have, are common property, belonging to the several States which may hereafter be framed.

SECOND. And that the outstanding liabilities are in like manner a common debt, for which all the States which may hereafter be framed are respectively responsible.

On motion the preamble and resolution was referred to the Committee on the Division of the State.

Mr. Armstrong, of Lamar, moved that the unfinished business on the President's table be taken up and disposed of.

Carried.

The first business in order was the report of the special committee on Division of the State, requesting the President of the Convention to procure by telegraph from Washington a copy of the bill on Division of Texas, now before Congress.

Mr. Armstrong, of Lamar, moved that the report and resolution be laid on the table.

Carried.

The report of the Committee on Finance appropriating fifteen thousand dollars to pay civil officers appointed by Governor Hamilton was taken up.

The question recurring upon its engrossment, it was ordered to be engrossed.

Mr. Hamilton, of Bastrop, moved that the Convention resolve itself into Committee of the Whole upon the report of the Committee on Federal Relations.

Carried.

Mr. Armstrong, of Lamar, in the Chair.

Committee of the Whole rose, reported progress, and asked leave to sit to-morrow morning, at ten o'clock.

Leave granted.

On motion the Convention adjourned until 9 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JUNE 24, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the special committee called for under Mr. Pedigo's resolution, to take the names of loyal persons laboring under political disabilities, to be:

Messrs. Pedigo, Keuchler, Bell, Armstrong of Lamar, Evans of McLennan, Whitmore and Phillips of San Augustine.

Mr. Munroe, from the Committee on the Division of the State, made the following majority report:

Committee Room,
June 23, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Sir: The Committee on the Division of the State instruct me to report the following declaration, and recommend its adoption.

Respectfully, your obedient servant,
A. T. MUNROE,
Chairman.

A DECLARATION, from the Committee on the Division of the State, for the erection of two new States out of the territory of the State of Texas.

Whereas, There is now pending in the Congress of the United States the following bill, to provide for the erection of two additional States out of the territory of the State of Texas; and

Whereas, Experience has proved that the great size of the State is one of the greatest obstacles to the enforcement of law and the maintenance of order, and that the government of a State so large cannot be economically administered; and

Whereas, The welfare, happiness and prosperity of the people require a division of the State into at least three States; therefore,

Be it declared that we, the People of Texas, in Convention assembled, do hereby declare that we concur in the plan proposed by Congress in the following bill, with the alterations in the lines and boundaries, as hereinafter proposed.

"Mr. Beaman, from the Committee on Reconstruction, reported the following bill:

"A BILL to provide for the erection of two additional States out of the territory of the State of Texas, and for other purposes.

"Whereas, The people of the State of Texas desire to erect out of the territory of said State two additional States of convenient size; and

"Whereas, The people of said State of Texas, in pursuance of an act of Congress passed March 2, 1867, entitled 'An act for the more efficient government of the rebel States,' and of the several acts supplementary thereto, have elected delegates to a convention to form a constitution of government for the said State of Texas; and

"Whereas, It is desired that the two additional States to be formed out of the territory of the said State of Texas be respectively bounded and named as follows—that is to say: That all that part of the territory of the said State of Texas situate and embraced within the following lines, viz: Beginning at a point in the middle of the channel between Galveston island and Bolivar Point, thence through Galveston bay to the mouth of the San Jacinto river, up the San Jacinto river to its confluence with the eastern fork of the San Jacinto, thence up said eastern fork with the western boundaries of the counties of Liberty and Polk, thence north to the Trinity river, thence up said Trinity river to the mouth of the Bois d'Arc or east fork of the Trinity, thence up the said east fork to the northwest corner of the county of Kaufman, thence north to the southwest corner of the county of Fannin, thence north with the western border of Fannin to Red River, thence down said Red river to the eastern boundary of the State of Texas, thence south with the eastern boundary of the State to the Gulf of Mexico, thence west across the gulf to the point of beginning, be erected into a new State, to be known by the name of the State of East Texas; that all that part of the territory of said State of Texas situate and embraced within the following described limits, viz: Beginning at a point in Pass Cavallo, midway between the island and peninsula of Matagorda, thence through Matagorda bay to the Colorado river, thence up the said Colorado river to where it is intersected by parallel thirty-two north latitude, thence due west to the Rio Grande, thence down said Rio Grande to the Gulf of Mexico, thence through the Gulf of Mexico to the point of beginning, be erected into a new State, to be called and known by the name of South Texas; and that all the residue and remainder of the territory of said State of Texas be known by the name of the State of Texas: Therefore,

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever the said delegates shall be assembled in convention, the said delegates to said convention shall organize and form themselves into three respective conventions, each of the said conventions respectively to be composed of the delegates respectively residing within the respective limits of the proposed States, as bounded and described in the preamble to this act.

"SEC. 2. *And be it further enacted*, That the said respective conventions shall be organized and conducted, in all respects, as near as may be, in accordance with the provisions of said act entitled 'An act for the more efficient government of the rebel States,' and the acts supplementary thereto; and that when the people of any one of the said proposed States shall have formed a constitution of State government in conformity with the Constitution of the United States in all respects, framed by the convention thereof; and when such constitution shall be ratified by the voters thereof, in accordance with said acts; and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same; and when said State, by a vote of its Legislature, elected under said constitution, shall have adopted the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as article fourteen, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law.

"SEC. 3. *And be it further enacted,* That the said respective conventions shall provide, by ordinance or otherwise, for elections for Representatives in Congress, members of the State Legislature, Governor, and other State officers, to be held at the same time, in the said proposed States respectively, as that for voting upon the adoption or rejection of the said constitutions respectively: *provided,* that the aggregate number of Representatives from the proposed three States shall be the same that the State of Texas was entitled to in the year eighteen hundred and sixty, to be divided among the said three States in proportion to the population of each respectively."

The committee do further instruct me to report the following sections:

First. The committee would respectfully recommend that Congress change the lines and boundaries as follows, to-wit:

Second. All that part of the territory of this State situated and embraced within the following lines, beginning at a point on the Mexican Gulf and Matagorda peninsula, due south of the mouth of Colorado river, running thence due north to the mouth of said river, thence following the meanderings of said Colorado river until it intersects the thirty-second degree of latitude, thence due west to the Rio Grande, thence down said Rio Grande to the Gulf of Mexico to the point of beginning, to form a southern State, to be known and called ———

Third. All that part of the territory of the State of Texas situate and embraced within the following lines, to-wit: beginning at a point in the middle of the channel between Galveston and Bolivar Point, thence through Galveston Bay to the mouth of the San Jacinto river, to its confluence with the eastern fork of the San Jacinto river, thence up said eastern fork with the western boundaries of the counties of Liberty and Polk; thence north to the Trinity river; thence up said Trinity river to the mouth of the Elm fork of the Trinity; thence up the said Elm fork to the mouth of Denton fork, to the western boundary of the county of Denton; thence due north to the Red river; thence down said Red river to the eastern boundary to the Gulf of Mexico, thence west across the gulf to the point of beginning, to form an Eastern State to be known by the name of ——————

Fourth. All the residue and remainder of the territory of Texas to be known by the name of ——.

Fifth. And further, That for the purpose of saving expenses to our impoverished country, and accelerating reconstruction, we pray Congress to act as speedily as possible on the bill now under consideration.

Sixth. We further declare, That the President of this Convention be and is hereby instructed to forward by telegraph to the President of the Senate and to the Speaker of the House of Representatives of the United States a full copy of these declarations.

A. T. MUNROE,
Chairman.

COMMITTEE ROOM,
Austin, June 23, 1868.

Mr. Ruby offered the following minority report:

We, the minority of the Committee on the Division of the State, dissenting from the majority report, do respectfully recommend that should there be a division of Texas, the Congressional lines reported in H. R. bill 1203 may be adopted by this Convention.

G. T. RUBY,
E. WILSON.

The following additional reports were presented from the Committee on Division of the State:

COMMITTEE ROOM,
June 23, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on the division of the State of Texas, to whom was referred the following ordinance, introduced by Mr. Glenn, of Anderson, to wit:

Be it ordained by the people of the State of Texas in Convention assembled, That the Legislature shall be vested with power to give the consent of the State to the creation of a new State or States within the limits of this State, and to pass all laws necessary to designate the boundary of such new State or States, to enable the people of the same to organize State Governments, etc.

Request me to return the same to your Honorable body, with the request that it do not pass.

Respectfully submitted,
A. T. MUNROE,
Chairman.

COMMITTEE ROOM,
June 23, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on the Division of the State, to whom was referred the following resolutions offered by Mr. Degener, of Bexar, after due examination instruct me to recommend the passage of the same, to-wit:

WHEREAS, A bill for the division of Texas into three separate States is now pending in the Congress of the United States,

Be it resolved, FIRST. That the public domain of Texas, its public buildings, cash and bonds on hand, and all the claims the State may have, are common property, belonging to the several States which may hereafter be framed.

SECOND. And that the outstanding liabilities are in like manner a common debt, for which all the States which may hereafter be framed are respectively responsible.

Respectfully submitted,
A. T. MUNROE,
Chairman.

Mr. Armstrong, of Lamar, moved to suspend rules to take into consideration the adoption of the report of the Committee on the Division of the State.

Rules suspended.

The reading of the report and resolutions was dispensed with by the consent of the House.

Mr. Armstrong moved that the report and resolutions be printed for the use of the Convention.

Carried.

Mr. Armstrong moved that the consideration of the subject be made the special order for Saturday next at ten o'clock.

Carried.

Mr. Pedigo introduced the following declaration:

Be it declared by the State of Texas in Convention assembled, That all rights which the State may have to mineral substances upon or beneath the surface of the earth be, and the same are hereby relinquished to the rightful owners of the land upon or beneath the surface of which such mineral substances may exist, and that all grants to land hereafter made by the State shall operate as a relinquishment to the grants of all mineral substances belonging to the land granted.

On motion the declaration was referred to Committee on Public Lands.

Mr. Evans, of McLennan, introduced the following declaration:

Be it declared that the following be a section of the New Constitution:

SEC. —. The County Courts for Police purposes, or other bodies exercising the powers now exercised by the said County Courts, in the several counties of the State of Texas, shall be authorized to pledge the faith of their respective counties, to aid and assist in the construction of railroads; and for such purposes the said courts shall have power to issue the bonds of said respective counties, or make subscriptions to the stock of railroad companies, and levy a special tax upon the taxable property of the said county, not to exceed one per cent. annually; *Provided* that no such bonds shall be issued, or subscriptions made, or tax assessed without, upon a vote at an election of the voters of said county, to be ordered and held by said Courts under the laws of the State regulating elections, and, *Provided* further, that said courts nor their successors shall have the power to repudiate, or annul or impair such bonds when issued, or such subscriptions when made, or such taxes when so assessed.

On motion the declaration was referred to Committee on Internal Improvements.

Mr. Degener introduced the following declaration:

SECTION —. Every foreign-born male inhabitant of this State, who shall be twenty-one years of age, and upwards, who shall have resided twelve months in this State, and who has made his declaration of intention of becoming a citizen of the United States, shall be decreed a citizen of this State.

SEC. —. Every citizen of this State has the right to have his name entered on the Registration lists of electors, and shall have the privilege of voting for State, District, County and Municipal Officers in the district, county or municipality where his name is entered as a qualified elector,

Provided, FIRST, That his certificate of registration bear a date of at leat thirty days prior to the election at which he offers to vote.

SECOND, That he be a bona fide resident of the district, county or municipality for which the election of officers is ordered.

On motion the declaration was referred to the Political or Legislative Committee.

Mr. Armstrong, of Lamar, offered the following declaration:

WHEREAS, During the late Rebellion the Central Texas Railroad being legally indebted to the State of Texas, on account of the money received from the State, the same being the School Funds solemnly set apart for the education of the children of Texas, has failed to pay the interest on said money so received, and

WHEREAS, The said Railroad Company pretends that, during the late rebellion, the said corporation paid the sum of $——,

AND WHEREAS, The said pretended payment was made in the worthless and valueless Treasury notes of the State, issued in violation of the Constitution, and for the purpose of aiding in the prosecution of the Rebellion, and was against the rightful authority of the United States, and the said pretended payment was a fraud upon the State of Texas, and ought to be condemned as illegal, immoral and fraudulent, done and conceived with the purpose and intent to cheat, wrong and defraud the innocent and helpless children of the State of Texas;

Therefore be it declared by the people of Texas in Convention assembled, That the pretended payment so made as recited in the preamble to this declaration was and is fraudulent and void, and no plea of payment shall be received, entertained, or had in any Court of this State founded upon any pretended payment in the illegal Treasury notes of Texas, or which is commonly known as Confederate money or Confederate Treasury notes.

SEC. 2. And it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to pass all necessary laws to recover the principal and interest which may be then due the State of Texas by said company or corporation.

On motion the declaration was referred to the Committee on Internal Improvements.

Mr. Fayle offered the following declaration:

Declaration, That no property qualification shall ever be required in order to vote or hold office within this State, and

Therefore be it resolved, That all charters, ordinances, or corporate immunities heretofore granted within the limits of the State of Texas be and the same are hereby repealed, in so far as they conflict with this declaration.

On motion the declaration was referred to the Committee on Political or Legislative.

Mr. McCormick moved that the Convention resolve itself into Committee of the Whole upon the report of the Committee on Federal Relations.

Carried.

Mr. Armstrong, of Lamar, in the Chair, the Committee rose, reported progress, and asked leave to sit again to-morrow at ten o'clock.

Leave granted.

On motion, the Convention adjourned until nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
June 25, 1868.

Convention met pursuant to adjournment.

Roll called; quorum present; prayer by the Chaplain. Journal of yesterday read and adopted

Mr. Phillips of Wharton, from the Committee on Commerce and Manufactures, made the following report:

COMMITTEE ROOM,
June 24, 1868.

To the HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Commerce and Manufactures, to whom was referred the preamble and resolution requesting the committee to take some action to encourage manufactures in the State of Texas, have had the same under consideration, and they unanimeusly direct me to report to the Convention in favor of the adoption of the resolution.

Respectfully submitted,
W. J. PHILLIPS,
Chairman.

Mr. Jordan introduced the following:

Resolved, That we the people of Texas, by our delegates in Convention assembled, do in our independence, prosperity and high position in the family of nations, recognize the efficiency of Divine Providence; Therefore

Resolved, That we regard it as our first duty in framing the organic law of the State to acknowledge our faith in one living and true God, and in the Lord Jesus Christ His Son, and in the Holy Bible as a Divine revelation, and as containing the true principles of all just government; Therefore

Be it declared by this Convention, That no law shall ever be enacted by the authority of the Constitution of the State of Texas, which may in any way contravene the plain teachings of the Holy Scriptures.

On motion, the resolution was referred to the Committee on Education.

Mr. Phillips of Wharton, introduced the following declaration:

A DECLARATION.

Be it declared by the people of Texas in Convention assembled, That in all civil actions, the time between the second of March,

1861. and the date of the recognition by the Congress of the United States of the existence of a loyal State government in Texas, shall not be computed in the application of any statute of limitation, and that the liability of drawers of bills of exchange, and of indorsers of negotiable instruments of every description, shall not be discharged by any lapse of time between said date, or by the failure of the holder to put such paper to protest or in suit during the period between said dates.

On motion, the declaration was referred to the Committee on General Provisions.

Mr. Fayle introduced the following declaration:

To be inserted in the Bill of Rights.

A well regulated militia being necessary to the safety of a free State, every citizen shall have the right to keep and bear arms for the common defence. Nevertheless this article shall not be construed as giving any countenance to the evil practice of carrying private or concealed weapons about the person; but the Legislature and municipal authorities within this State are fully authorized to make such laws and ordinances as shall tend to abolish a practice so prolific of strife and bloodshed.

On motion, the declaration was referred to the Committee on the Judiciary.

Mr. Fayle introduced the following declaration:

It being the object of all true government to give the largest measure of individual liberty and personal right compatible with the general good of society and the safety and protection of all, therefore

Be it resolved, 1st. That no individual or class of society shall ever hereafter be debarred from the rights, privileges and immunities common to all citizens, and especially those of suffrage and holding office, except aliens, idiots or lunatics and criminals.

2d. That all disabilities growing out of a participation in the late rebellion shall be entirely removed in the year of our Lord 1880.

On motion, the declaration was referred to the Committee on General Provisions.

Mr. Armstrong of Lamar, offered the following resolution:

Resolved by the people in Convention assembled, That the Committee on Printing be instructed to contract for and have all matter printed required by this Convention, and all resolutions and declarations shall be printed after the same is engrossed and laid upon each member's table.

Mr. Armstrong of Lamar, moved that the rules be suspended to take up the resolution.

Rules suspended.

Mr. Burnett offered the following amendment:

Resolved, That hereafter all contracts of printing be made by the Committee on Printing, and that whenever any printing be ordered by the Convention that the Committee on Printing shall have the same done.

The question recurring upon the adoption of the amendment,

It was lost.

The question recurring upon the adoption of the original resolution,

It was adopted.

Mr. Munroe offered the following resolution:

Resolved, That freedom of speech being one of the essential attributes of freemen, that it shall be made a penal offence to disturb any religious or political meeting held anywhere within the limits of the State of Texas, either by threats, insults or the exhibition of deadly weapons, so as to disturb the deliberations of any such religious or political meeting held anywhere within the limits of the State of Texas.

On motion, the resolution was referred to the Committee on Political or Legislative.

The President submitted a communication from his Excellency Gov. E. M. Pease, recommending the purchase of 3500 copies of Paschal's Digest of the Laws of Texas.

On motion, it was referred to the Judiciary Committee.

Mr. Slaughter moved that Mr. Whitmore be excused from attending the sitting of the Convention to-day.

Leave granted.

Mr. Patten moved to take up the unfinished business upon the President's table.

Carried.

The President announced the first business in order was upon the final passage of a resolution appropriating $15,000 for the payment of the officers appointed by Provisional Governor A. J. Hamilton.

The question being upon its third reading, it was read a third time and passed.

The next business in order was upen the report of the Committee on Contingent Expenses, recommending the passage of the resolution appropriating $200 to frame the portrait of Gen. Sam Houston.

Mr. Munroe offered the following amendment:

Amended so as to read "Father of Texas and American Statesman."

Mr. Flanagan moved the previous question.

Previous question seconded.

The question being "shall the main question be now put?"

The main question was ordered.

The question recurring upon the adoption of the resolution, it was read a second time and ordered to be engrossed.

Mr. McCormick moved a further suspension of rules to put the resolution upon its third reading.

Rules suspended.

Resolution read third time and passed.

Mr. Pedigo moved that the Convention resolve itself into Committee of the whole upon the report of the Committee on Federal Relations.

Carried.

Mr. Armstrong of Lamar, in the chair.

The committee rose, reported progress, and asked leave to sit again to-morrow at 10 o'clock.

Leave granted.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
JUNE 26, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Armstrong, of Lamar, presented the following petition:

We, the undersigned citizens, permit and agree that our names may be used in a Convention of the State of Texas, convened at Austin, on the —— day of ———, A. D. 1868.

Praying said Convention to grant us a new county out of the territory between the Sulphurs. Beginning on South Sulphur, at the Steward crossing, then north *via* Charles Hensley's to North Sulphur; then down North Sulphur to the east boundary line of Lamar county; then south to South Sulphur; then up said Sulphur to the beginning: and said new county to be called "Bourbon," and the county site to be situated as near the center of said new county as practicable. Left to a majority of the voters, and said county site to be called ———.

Signed by E. R. Hooten and eighty-six others.

On motion the petition was referred to the Committee on General Provisions.

Mr. Thomas presented the following petition:

To the Honorable President and
Members of the Texas Convention:

We, the undersigned citizens, living within the limits of the proposed new county, owing to the great inconvenience in attending to legal business at the county sites of Denton, Cook, Grayson, and Collin, caused by distance and high waters, respectfully ask your honorable body to establish a new county, to be called "White," having Pilot Point as county site, the boundary line being as nearly as may be, as follows:

Beginning on the east bank of Elm fork of Trinity river, on the south boundary line of a survey made for J. W. Visor, about ten miles north, 45° east from the town of Denton; thence southeast, to the southwest corner of a survey made for T. Button, on Doe Branch; thence east to the east boundary line of Denton county, and passing said line, corner in Collin county. Thence north parallel with the west boundary line of Collin county to the north boundary of Collin, and passing said line six miles corner in Grayson county; thence west and parallel with the north boundary line of Denton, to Elm fork of Trinity; thence with the meanderings of the stream to the place of beginning.

Signed by A. C. Warren and seven hundred others.

On motion the petition was referred to the Committee on Counties and County Boundaries.

Mr. Evans, of McLennan, from the Committee on Federal Relations, made the following report upon the resolution of Mr. Mills, respecting the county of El Paso:

COMMITTEE ROOM,
Austin, Texas, June 25, 1868.

Hon. E. J. DAVIS,
President Reconstruction Convention:

SIR: Your committee to which was referred the resolution of Mr. Mills, relinquishing the political jurisdiction and right of public domain over El Paso county to the United States, have had the same under consideration and beg leave to report that in the opinion of a majority of the committee a separate government is necessary for the welfare of the people of that distant county; and believing that the State will sacrifice no material interest in granting what is requested, we recommend that the resolution do pass.

A. J. EVANS,
Chairman of the Committee on Federal Relations.

Mr. McCormick offered the following resolution:

Resolved, That all resolutions and declarations originating in, or reported upon favorably by any of the committees of the Convention, shall be printed and laid upon the desks of each of the members.

On motion, the rules were suspended and resolution passed.

Mr. Lindsay introduced the following declaration:

Resolved, by the People of Texas in Convention assembled, That a provision, to the following effect, be inserted in the constitution about to be framed by this Convention:

SEC. —. The Legislature shall provide by law for a geological survey of the State, and to this end a geological bureau shall be established by law, composed of a State geologist and such assistants as may be deemed necessary, who shall receive such compensation for their services as may be prescribed by law. The State Geologist shall make a report, through the Governor, to each regular session of the Legislature.

On motion, the declaration was referred to the Committee on the Judiciary.

Mr. Lindsay introduced the following resolution:

Resolved by the People of Texas in Convention assembled, That the following provision shall be inserted in the Constitution of the State of Texas:

SEC. —. Whenever it becomes necessary, under the laws, that the State should be a party, plaintiff or defendant in any suit or judicial proceeding, no bond shall ever be required by the State.

On motion the resolution was referred to the Committee on the Judiciary.

Mr. Leib introduced the following declaration:

Be it declared by this Convention, That the following be a section of the Constitution of the State of Texas:

That burying grounds, public schoolhouses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, shall never be taxed.

On motion the declaration was referred to the Committee on Finance.

Mr. Burnett introduced the following declaration:

Resolved, That the following be an article of the Constitution of Texas.

ART. —. The social *status* of the citizen shall never be a subject of legislation in this State.

On motion the declaration was referred to the Committee on General Provisions.

Mr. Armstrong, of Lamar, offered the following resolution:

Resolved, That the Committees on General Provisions, the Public Lands, and the Public Debt, be authorized to employ one clerk, whose duty it shall be to act as clerk to said committees.

Mr. Hamilton, of Bastrop, moved that the rules be suspended to take up resolution.

Carried.

The question recurring upon the adoption of the resolution, it was adopted.

Mr. Thomas moved to take up the business on the President's table.

Carried.

The President announced the first business in order was the report of the Committee on Commerce and Manufactures, with accompanying resolution respecting taxation upon machinery.

Mr. Burnett moved the resolution be postponed until next Thursday. July 2, 1868, at 10 o'clock.

Carried.

Mr. Hamilton of Bastrop, moved that the Convention go into Committee of the Whole upon the report of the Committee on Federal Relations.

Carried.

Mr. Armstrong, of Lamar, in the Chair.

Committee rose, reported progress, and asked leave to sit on Monday, at ten o'clock A. M.

Leave granted.

On motion, the Convention adjourned until to-morrow, at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
JUNE 27, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Lindsay introduced the following declaration:

Be it declared, by the People of Texas in Convention assembled, That it is the true and the wisest policy of the State of Texas, to grant settlement rights upon the public lands, within its territorial jurisdiction, to every person who will settle, occupy, cultivate and improve the land, in quantities not more than one hundred and sixty acres to the head of a family, and not more than eighty acres to a single person. And that every head of a family, and every single person who will locate and improve any portion of the public land, now vacant within the limits of the State, by actual settlement and improvement, may have the same surveyed by any authorized surveyor, which surveyor shall deliver his plot and certificate of survey to the locator and settler; and when it shall be presented to the Commissioner of the General Land Office, he shall forthwith issue a patent to the seater, occupier and improver of the land so surveyed as aforesaid.

It is further Resolved, by the Convention, That this declaration, in some form, be embodied in the Constitution.

On motion, the declaration was referred to the Committee on Public Lands.

Mr. Lindsay introduced the following declaration:

Be it declared, by the People of Texas in Convention assembled, That one-fourth of the annual tax assessed and collected, as a revenue, by the State, shall be sacredly dedicated to the education of the children living and resident in the State, without regard to race, color and previous condition. And if the said one-fourth of the revenue so assessed and collected, should exceed the sum necessary for the annual accruing wants of the education of the children, the regularly accruing surplus shall be funded and invested in such stock and securities, as may be prescribed by law, the interest of which alone shall be used and applied for educational purposes. But, in no event, shall the money arising from such revenue, and funded interest, be diverted by the Legislature from the purposes of education.

Be it Resolved, That the above declaration be engrafted upon the Constitution.

On motion, the declaration was referred to the Committee on Education.

Mr. Fayle, from Committee on Enrolled Bills, reported the bills numbering respectively from No. 8 to 18, as correctly enrolled.

Mr. Armstrong, of Lamar, presented the following petition, and asked its reference to the Committee on Finance.

TO THE HONORABLE MEMBERS OF THE STATE CONVENTION OF TEXAS, OF 1868.

Petition of S. B. Buckley, for pay for services rendered the State as Assistant State Geologist, in 1861, after April 5, of said year.

Your petitioner states that he was appointed to the office of Assistant State Geologist, by Dr. Francis Moore, with the approval of Gen. Houston, then Governor of the State; and, further, that during the administration of Gov. Houston, in 1861, he left Austin with Dr. Moore, on a geological tour to the coal region of Fort Belknap, and north-westward of said Fort; thence along the frontiers, a large portion of the time beyond the settlements. From whence they arrived at Austin, on June 15, 1861, and then ascertained that Gov. Houston had been deposed, and, also, that the Geological Survey had been suspended by joint resolution of the rebel Legislature, passed April 15, 1861, all of which was officially unknown to either Dr. Moore, or your petitioner, until their arrival at Austin. As this service was not made in aid of the rebellion, nor has your petitioner ever in the least aided said rebellion; he prays that he may be paid in full for his services, then rendered as Assistant State Geologist for the State of Texas.

He would further state that he was mostly engaged in the business of the survey until the middle of July, 1861, when he left the State and arrived at Philadelphia, where he remained engaged in the study of specimens collected in Texas, pertaining to the natural history of the State, the results of which are partly embodied in his Preliminary Report of the Geological and Agricultural Survey of Texas, published by the last Texas Legislature. Said report has been pronounced an able one by some of the best geologists of the country. It has already done the State much good by making known in part her vast mineral and agricultural resources; therefore it would be no more than just and right that your petitioner should receive the pay of Assistant State Geologist for the six months of his stay in Philadelphia.

Dr. Moore received pay for his services in the survey up to July, 1861, which was collected by his agent, Mr. Swinson. The salary of Assistant State Geologist is fifteen hundred dollars a year in specie.

All of which is respectfully submitted by your petitioner.

S. B. BUCKLEY.

AUSTIN, June 27, 1868.

The petition was referred to the Committee on Finance.

Mr. Leib offered the following resolution:

WHEREAS, It has been the custom of the United States, in some suitable and public manner, to avow a due sense of human obligation, to respect, as of Divine ordination, the day known as the Christian Sabbath; and

WHEREAS, No opportunity more appropriate can ever present itself for the people of this State to make a similar avowal of respect for that day than the present; Therefore be it

Resolved, That the Committee on General Provisions of the Constitution be requested to inquire into the propriety of engrafting in the Constitution of the State of Texas a provision requiring the Legislature to make suitable laws for its due observance.

On motion the resolution was referred to the Committee on General Provisions.

Mr. Mills moved that the business on the President's table be taken up.

Carried.

The President announced the business on the table to be the report of the Committee on Federal Relations, respecting the relinquishment by the State to the United States, of political jurisdiction and right of public domain over El Paso county.

Mr. Hamilton, of Bastrop, moved to re-commit the report to the Committee on Federal Relations.

The President announced the hour had arrived to take up the report of the Committee on Division of the State, made the special order for ten o'clock to-day.

Mr. McCormick moved to postpone the consideration of the report until ten o'clock on Tuesday morning, June 30, 1868.

The yeas and nays were called and resulted as follows:

Yeas—Messrs. Armstrong, of Jasper, Bell, Boyd, Burnett, Caldwell, Carter, Cole, Constant, Fayle, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harne, Kealy, Keigwin, Leib, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Smith, of Marion, Sorrell, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson, of Brazoria, Wright—43.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Butler, Coleman, Degener, Downing, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Hamilton of Bastrop, Harris, Hunt, Johnson, of Harrison, Johnson of Calhoun, Jordan, Kendal, Kuechler, Kirk, Lippard, Long, McWashington, Mullins, Newcomb, Oaks, Patten, Schuetze, Scott, Slaughter, Smith, of Galveston, Sumner, Whitmore, Williams, Wilson, of Milam, Yarborough—43.

So the motion to postpone was lost.

Mr. Bryant, of Grayson, moved a reconsideration of the vote upon the question of postponement.

Mr. Hamilton, of Bastrop, moved to lay the motion on the table.

The yeas and nays were called and resulted thus:

Yeas—Messrs. President, Armstrong, of Lamar, Bledsoe, Board, Bryant of Harris, Butler, Burnett, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Foster, Glenn, Hamilton, of Bastrop, Harris, Hunt, Johnson, of Harrison, Jordan, Kendall, Kuechler, Leib, Lippard, Long, Mullins, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith, of Galveston, Talbot, Whitmore, Williams, Wilson, of Milam, Yarborough—40.

Nays—Messrs. Adams, Armstrong of Jasper, Bell, Bellinger, Boyd, Brown, Bryant of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Fayle, Fleming, Gaston, Goddin, Gray, Grigsby, Hamilton of Travis, Harne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips of Wharton, Rogers, Scott, Smith, of Marion, Sorrell, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright—48.

So the motion to lay on the table was lost.

The question recurring on the motion of Mr. Bryant, to reconsider the vote upon the question of postponement; the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Bell, Bellinger, Boyd, Bryant, of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Fayle, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Travis, Harne, Johnson, of Calhoun, Kealy, Keigwin, Kirk, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Scott, Smith, of Marion, Sorrell, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson, of Brazoria, Wright—48.

Nays—Messrs. President, Armstrong, of Lamar, Bledsoe, Board, Brown, Bryant, of Harris, Butler, Burnett, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Glenn, Hamilton, of Bastrop, Harris, Hunt, Johnson, of Harrison, Jordan, Kendal, Kuechler, Leib, Lippard, Long, Mullins, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith, of Galveston, Talbot, Whitmore, Williams, Wilson, of Milam, Yarborough—40.

So the motion to reconsider was adopted.

The question recurring upon the motion to postpone the consideration of the report of the Committee on Federal Relations until Tuesday next, Mr. Varnell moved the previous question upon the adoption of the motion.

Previous question seconded.

The question recurring, "shall the main question be now put," the main question was ordered.

The question recurring upon the adoption of the motion to postpone, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Bell, Bellinger, Bledsoe, Boyd, Brown, Bryant, of Grayson, Bryant, of Harris, Caldwell, Carter, Cole, Constant, Curtis, Fayle, Fleming, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harne, Johnson, of Calhoun, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Schuetze, Smith, of Marion, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson, of Brazoria, Wright—50.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Board, Buffington, Butler, Burnett, Coleman, Degener, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Hamilton, of Bastrop, Hunt, Johnson, of Harrison, Jordan, Kendal, Kuechler, Kirk, Leib, Lippard, Long, Mullins, Newcomb, Oaks, Patten, Ruby, Slaughter, Smith, of Galveston, Sorrell, Talbot, Whitmore, Williams, Wilson of Milam, Yarborough—36.

Two-thirds not voting in the affirmative, the Convention refused to postpone the consideration of the report.

Mr. Hamilton, of Bastrop, moved that the Convention resolve itself into Committee of the Whole upon the report of Committee on Division of the State.

Carried.

The Convention then went into Committee of the Whole, Mr. Armstrong, of Lamar, in the Chair.

The Committee rose, reported progress, and asked leave to sit on Tuesday morning, at ten o'clock.

On motion, the Convention adjourned until nine o'clock Monday morning.

CAPITOL, AUSTIN, TEXAS,
June 29, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Degener, Chairman of the Committee on Immigration, made the following report:

COMMITTEE ROOM,
June 28, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Majority of the Committee on Immigration has instructed me to report the following resolutions, to form a part of our new Constitution, to-wit:

ARTICLE —.

IMMIGRATION.

SECTION 1. A Bureau, to be known as "the Bureau of Immigration," is hereby established, which shall have the supervision and control of all matters connected with immigration. The Chief of said Bureau shall be styled "Superintendent of Immigration." He shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of four years, and shall receive a salary of not less than —— dollars per annum during his continuance in office.

SEC. 2. The Legislature shall be required to enact the necessary laws, and shall have power to appropriate a sum not exceeding —th part of the regular revenue of this State, for the purpose of promoting and protecting immigration.

SEC. 3. Such appropriation shall be devoted, *a*—to defray the expenses of the Bureau of Immigration and contingent expenses; *b*—to support agencies in foreign seaports; *c*—to pay in part or in toto the passage of emigrants from Europe to this State, and their transportation on railroads in this State.

SEC. 4. Each immigrant, head of a family, whether male or female, shall be entitled to locate and appropriate a tract of one hundred and sixty (160) acres, and each male immigrant, not the head of a family, shall be entitled to locate and appropriate a tract of eighty (80) acres out of the public domain of the State. The lands donated to immigrants by this section shall become their property in fee simple, after three years' personal occupation of the same by themselves or their heirs, free of all costs whatever, other than the expense of surveying the same.

Deeming it appropriate that a statement should accompany the resolutions, setting forth the motives and arguments for said resolutions, your Committee has further instructed me to offer the following

REPORT.

A nation which derives its origin from immigration, whose numbers are annually swelled by hundreds of thousands from the same source, thus producing an increase of population not paralleled in the history of any other nation, could not fail to recognize the importance of regulating by appropriate legislation such accession of power, wealth and civilization. Thus, at an early day, have the free States of America made it their special care to guide and protect the stream of immigrants, which in daily increasing proportions, flows from the cradle of the American nation to the United States. Agencies were established in foreign and domestic seaports to diffuse among the immigrants a proper knowledge of the resources of the various States, to protect them against unscrupulous freighters; to prevent their being fleeced by bogus railroad agents, landlords, or such other imposters as seaports are generally infested with; and to provide for the health and comfort of the immigrants as well as for employment or cheapness of transportation to the interior of the country.

The unparalleled progress of the great West is the recompense for such wise statesmanship, and needs only to be pointed at to make any further arguments superfluous.

The American slave States could not keep time with their successful sister free States.

Apart from the abhorrence in which Slavery is held by Europeans, and the reluctance of a free laborer to enter into competition with a slave, the advocates of the forced labor system recognized but too well that immigration was the most deadly enemy of their cherished institution; and this fully explains why all the efforts of patriotic Southerners to lead a portion of the stream of immigrants into their States were frustrated by the wealthy and powerful slave aristocracy. This impediment is now abolished. Those who formerly were the greatest obstacles to forwarding immigration are now the loudest in clamoring for free white labor, and are willing, even by a special taxation for this purpose, to import laborers for their broad acres, to relieve themselves from the harsh contact with their former slaves, whom they never can forgive—that from property they have become their equals at the ballot box.

On the other hand, the white laborer, weighing the relative merits of the different States, for the purpose of selecting a new home, will soon discover that wherever the protection of life and property are equal, fertility of soil and a more congenial climate must bear down heavily the scales in favor of the Southern States. If a hard-working immigrant can make it a paying business to cultivate the soil in a climate where, of the six summer months, he must toil nearly three for bringing his cattle through the six winter months, where the inclemency of the climate forces him to invest a large amount of his earnings in a dwelling and expensive clothing for his own and his family's comfort; he cannot be in doubt that a climate where all the year round the cattle work for him; where the lightest dress and the most primitive dwelling afford ample protection, that there he will be able in a much shorter time to work himself up to a comfortable competency.

Impressed with the correctness of these views, your Committee think it appropriate to provide, in a separate Article of our new Constitution, for the establishment of a special Bureau charged with,

SEC. 1. "The supervision and control of all matters connected with immigration." It is obvious that an officer who is appointed to superintend so important a branch of our Government, to whom, in a great measure, must be entrusted the distribution of the funds which our future Legislatures may appropriate for immigration purposes, must be liberally salaried, so as to enable him to devote all his time and all his energies to the great object in view. It is left to the Convention to fill up the blank, indicating the minimum below which it would be useless to try to secure first-rate ability.

LEGISLATION.

SECTION 2. Without discussing the powers for Special Legislation, with which this Convention may be vested, your Committee holds that such power should be used with the utmost discretion, and has on that account confined itself to impose upon the Legislatures hereafter the duty of regulating by appropriate laws all such matter as may appertain to immigration; vesting it at the same time with power to appropriate a sum of money out of the public treasure which may be necessary for carrying out the measures their wisdom may deem appropriate; binding them only so far, as a maximum is stipulated, beyond which they have no authority to burthen the public treasury, which maximum being left blank, it is the province of the Convention to fill. It must be left to the discretion of the several Legislatures, with due consideration of the report of the respective State Comptrollers, to estimate the amount which, during their financial period, can be spared for immigration purposes.

DISTRIBUTION OF FUNDS.

SEC. 3. Without entering into details, your Committee thought it appropriate to give an outline of the system it would favor, if called upon to act as legislators on the subject; and has on that account stated in this section, under the subdivision of *a*, *b*, *c*, for what purposes the appropriated money should be used, without binding the Legislatures in any manner as to the proportion in which such subdivision should be made.

The office of Superintendent and his Bureau being established by law, the salary of the former and of as many clerks as it may be thought necessary to employ, together with the Bureau expenses, such as the publication and distribution of pamphlets setting forth the resources and the advantages offered by this country, and the inducements held out by our Government will, as a matter of course, remain a standing item on the Budget of the State.

The hight of the appropriation sub. *b*. for the support of agencies, will, in a great measure, depend upon the total amount which can reasonably be devoted to the expenses provided for sub. *c* for the payment of ocean and railroad passage of the immigrants.

Your Committee has advisedly used the word foreign, in speaking of seaports where agencies ought to be established, for the patent reason that it is more desirable for a country if immigrants arrive with some means, be they ever so small, than if a circuitous route and the various extra commissioners through whose hands they pass between the point of departure and their final arrival in Texas, have exhausted their very last dime, and thus throw them upon the mercy of the first labor speculation who may have an order for procuring hands for a sugar or cotton plantation in an unhealthy swamp district.

It is true, that the department of the superintendent is to take care of the immigrants on their first arrival; this duty will, however, be considerably facilitated, if immigrants do not arrive as entire paupers, and fall at once to the charge of the country after leaving the ship.

Your Committee holds, that a sum of $10,000 annually devoted to defray the expenses of the Bureau at the Capital, for the sub-agencies in our own sea-ports and for the two or three agents or commission merchants in Europe, well applied, should be fully sufficient to meet the requirements.

It is a well known fact that cheapness of transportation is one of the greatest inducements for the immigrant in deciding his choice for his new destination; especial care ought therefore to be taken, to reduce the passenger freight to our seaports to as low a standard, as shorter distances, and the competition between ship owners, have reduced it to Northern harbors. The unavoidable difference between freights from Europe to Northern seaports and our shipping places should be borne entirely by our State government; and it greatly depends upon the liberality of our Legislatures for this particular purpose, whether the funds appropriated for the Bureau and the foreign agencies, will turn out as a profitable investment for the benefit of our country, or as a sinecure only for the officers.

It is obvious, that precisely in the same proportion as the number of immigrants increases, will the share of the Bureau expenses diminish, with which the individual immigrant has to be charged.

Thus, estimating the subsidy for the freight of every immigrant to be $20 and the general expenses to be $10,000, an appropriation of $100,000 would be sufficient to enrich the country with 4500 immigrants; or every individual immigrant would cost the country from 22 to 23 dollars.

Your Committee advisedly calls it enriching the country, because a small outlay acquires a producing capital, the interest of which netts in one year more than four times the original outlay.

It must be conceded that every laborer or producer represents a certain capital, and that the surplus of his labor, over and above what he himself consumes, may be computed as the interest such capital contributes to the nett income of the country.

The wealth of a nation consists in the accumulated surplus of its labor, and if the portion of such surplus in a slave State, which is invested in "hands" be enumerated among the assets, it is but falsifying comparison with the wealth of a free State, where the produce of free labor capital is the inalienable property of the individual and therefore not enumerated.

Setting apart all considerations of philanthropy and civilization, and drawing a cool calculation of economy alone, it must be conceded that the importation of free labor is just that much more value to the country at large, as the investment for a similar forced labor capacity would have amounted to; or taking the average wages of a laborer as a standard, he is just worth so much to the country, as a capital owned by a citizen is, which produces as much interest as the annual nett wages of the former may be computed at.

A field hand can at present with facility secure from ten to fifteen dollars per month, or from 100 to 150 dollars all the year round, in hard cash, board and lodging being found; and represents on that account a productive capital value of at least 1000 to 1500 dollars.

Compared with this access of wealth, the amount donated to the immigrant to facilitate his transportation, dwindles into insignificance; and is refunded to the country in a few months, provided the laborer does not at once again leave the country and export his earnings.

It is true, the outlay does not flow back to the same source from which it originated, but this impairs in no manner, the aggregate of the National income.

LAND DONATION.

SEC. 4. The Land Donation provided for in this section, may serve as an inducement to such emigrants, who coming from thickly populated districts, where land is an expensive commodity, are but too readily inclined to over-estimate a donation, which at their native place in itself would constitute a fortune. To avoid the reproach of misrepresentation, it ought to be made the duty of our foreign agents to fully explain the real value of such donation to the immigrant.

The suggestion of issuing Land Scrips to the immigrants, which eventually might be sold by them, or giving them the permission to dispose of a portion thereof, say one-half, for the purpose of paying their transportation, was discussed in the Committee, but met with no favor, as the object of the donation is the cultivation of the land and not to furnish additional material for land speculation.

If an immigrant avails himself of the pre-emption advantage, the proviso of a three year's personal occupation more than compensates the donation, not to mentien the enhancement of the value and increased taxability of the lands bordering on the new location.

PRIVILEGES GRANTED BY THE CONSTITUTION.

Your Committee might be accused of having, perhaps, only one particular branch of immigration in view, in drafting the above resolutions, and owes it, therefore, to itself, to assign the reasons for so doing.

It is not the wealthy foreigner, nor the merchant; not the industrial nor the experienced American citizen; immigrating from another State to Texas, who is in need of the protecting and assisting hand of the Bureau of Immigration, but such class of foreign labor to whom the trifling outlay for ocean transportation is a serious consideration.

What we are in need of, is a hard working thrifty population, which clings to the soil it has once undertaken to cultivate, without nomadic propensities and of unquestionable *loyalty to the Government of the United States;* and it will not be denied, that the German and Scandinavian nationalities possess these qualifications in an eminent degree.

It is therefore but proper to call the attention of this Convention, and of the respective committees, to such points which have a direct bearing upon the peculiarities of the above nationalities.

Fully realizing the liberality of the U. S. Naturalization law, your committee holds that a more liberal practice than hitherto in force, with regard to State franchise, is as imperatively demanded by the circumstances, as a Constitutional provision, rendering legislative interference in matters of religion impossible.

The opposition against colored suffrage can not be met with greater force, than by allowing *bona fide* settlers to acquire the full right of State citizenship in six or twelve months after their arrival; the history of the equal suffrage amendment, in some of the Northern

States, when saddled with Sunday laws, can not fail to challenge the earnest attention of every true Republican.

Immigrants will not wend their way to such States, where former settlers are dissatisfied with the laws of the country; they will go where the laws are in full harmony with their own peculiarities.

All of which is most respectfully submitted.

E. DEGENER,
Chairman of Immigration Committee.

Mr. J. W. Flanagan, from the Committee on Internal Improvements, made the following report.

To the Hon. E. J. DAVIS,
President of the Convention:

Your Committee on Internal Improvements have had under consideration a declaration in relation to railroads, in which the Convention is asked to consolidate the Brazos Branch Railroad Company and the Henderson, Marshall and Jefferson Railroad Company into one company, to be known as the International Pacific Railroad Company.

Your committee have given due consideration to this very important question, and from all the light before them, a majority of the committee instruct me to report the declaration back to the Convention with a recommendation that it pass.

J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

Mr. Smith of Galveston, made the following minority report:

COMMITTEE ROOM,
June 27, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

The minority of the committee, to whom was referred the declaration to consolidate and incorporate the Brazos Branch and the Henderson, Marshall and Jefferson Railroad, respectfully report that they regard all such special legislation at this time unnecessary and unwarranted; that there is now a bill pending before the United States Congress relative to this very question, and which will, if it becomes a law, prepare the people of Texas to act; that the division of the State of Texas will qualify all such legislation, and it is altogether a premature measure; that it is proposed to introduce into the Constitution of the State a provision governing all legislation in regard to corporations; and that we are opposed to galvanizing into life a dead corporation, unless it can be shown that there is a real *bona fide* company, prepared with the means and ability to prosecute to a successful termination the improvement they ask this Convention to sustain. For these reasons we respectfully submit the following resolution, and ask that it do pass:

Resolved, That the declaration consolidating the Brazos Branch and the Henderson, Marshall and Jefferson Railroad, and granting a new charter, be indefinitely postponed.

ROBERT K. SMITH,
ANDREW DOWNING, Sr.,
N. PATTEN.

Mr. Munroe, from the Committee on Engrossed Bills, made the following report:

Committee Room,
June 29, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Sir: The Committee on Engrossed Provisions, after examination, instruct me to report the following resolutions as correctly engrossed, to wit:

No. 19, Resolution ordering the printing of 400 copies of the reports of Wm. Alexander, Esq., late Attorney General of Texas.

No. 20. Resolution defining the powers of this Convention.

No. 21. Resolution appropriating twenty-five thousand dollars, or so much thereof as may be necessary, to offer rewards for the apprehension of desperadoes.

No. 22. Resolution amending the rules governing the Convention, so that a simple resolution, or resolutions relating to the government of the Convention, may be disposed of upon a vote at first reading.

No. 23. Resolution appropriating the sum of two hundred dollars to frame the portrait of Gen. Sam Houston.

No. 24. Resolution appropriating fifteen thousand dollars for the payment of the civil officers of the State, appointed by Provisional Governor A. J. Hamilton.

Respectfully submitted,
A. T. MUNROE,
Chairman.

Report adopted.

Mr. Bellinger, from the Committee on Federal Relations, to whom was referred a resolution of Mr. Mills, ceding the county of El Paso to the United States. made the following minority report:

COMMITTEE ROOM,
June 29, 1868.

To HON. E. J. DAVIS,
President of the Convention:

SIR: A minority of the Committee on Federal Relations, to whom was referred a resolution by Mr. Mills of El Paso, being unable to agree with the majority of said committee, offers the following report:

El Paso county contains an area of 9450 square miles, with a population, according to the latest census, taken in 1860, of 4050 inhabitants, only 436 of whom have registered, the vote cast at the last election being 292 for and 2 against a convention. The assessment of State taxes for 1867 was $2151 64, or 53 cents per head. The average for the entire section west of the Colorado being $1 10 per head.

Almost the entire population of the county is concentrated in the narrow Rio Grande Valley from Franklin to Elisaria, this being the only portion of the county redeemed for cultivation.

The population has hardly made as much as an attempt to settle outside said valley, and never exercised any control over the vast uninhabited territory situated within the limits of the county; nor is it to be expected that the population, in its present composition, will make such an attempt.

The future condition of the country therefore is entirely subject to the influx of a new element to its population, which can only reasonably be expected from that section of Texas which is proposed to be erected into a new Western State.

The wide territory between the Rio Grande and Pecos Valleys. situated in the region of meteorologic permanency, suffers almost under a continuous drought, and but few places outside the Pecos Valley are available for agriculture with artificial irrigation. This deficiency of atmospheric humidity is amply compensated by the abundance of metalic resources. The range of hills traversing the country in a northwesterly direction, being spurs of the Sierra Madre of Mexico, fully maintaining the same character of the latter. And their mineral wealth has justly become proverbial. Coal, iron, lead, copper and silver to some extent, are the minerals in which this region abounds, in deposits and in veins; but above all in the unmeasurable layers of rock salt, capable of furnishing a continent with this indispensable commodity, which will make this region one of the most desirable portions of West Texas, which has to furnish the mining population to lift the treasure from its now hidden abode.

In view of the little adaptability of this region for agriculture, it will be the department of the northwestern counties of Texas to furnish the breadstuffs for the mining population.

To cede the jurisdiction over this territory, as contemplated in the majority report, and over the plains intervening between El Paso and the western counties, exposing it perhaps to be converted into Indian reservations, would be as disastrous a policy as could befal this country; and it would be relinquishing without any compensation a country vast in extent, whose intrinsic value has never yet been sufficiently explored, and therefore cannot be properly computed.

Should it be the determination of Texas to sell to the United States that portion of territory lying without the limits of the organized counties, it would be of the utmost importance for Texas to be able to embrace in said transaction this valuable region, which is now proposed to be alienated without any consideration. But should this event never occur, it would be unwise in Texas to deprive herself of the resource of so much future wealth and prosperity for her people.

The minority of your committee therefore report that the majority report be not adopted.

All of which is respectfully submitted,
JACOB KUECHLER,
E. BELLINGER.

Mr. Sumner moved a suspension of rules to allow Mr. Burnett to introduce a petition.

Motion lost.

Mr. Smith, of Galveston, offered the following resolution:

Resolved, That a committee of fifteen be appointed by the Chair, to attend the exhibition at the State Institution of the Blind, to-morrow, at 9 o'clock.

Mr. Smith, of Galveston, moved a suspension of the rules to take up the resolution.

Rules suspended.

Mr. Ruby moved to amend by adding, "the Committee on Education."

The resolution as amended was adopted.

Mr. Evans, of McLennan, introduced the following declaration:

WHEREAS, It is very probable that the regularly contemplated biennial session of the State Legislature of Texas will not meet in the year 1868; and

WHEREAS, Such failure to meet may prejudice the interests of railroad companies, in loss of their charter, etc., etc.; be it therefore declared:

SECTION 1. That all railroad companies in Texas holding charters which may be affected in their rights by a failure of the said biennial session of the Legislature in the year 1868, shall not suffer any prejudice in their charters, rights and privileges, until ninety days after the meeting of the first lawful Legislature, with consent of Congress of the United States, shall meet in Texas.

On motion, the declaration was referred to the Committee on Internal Improvement.

Mr. Evans, of McLennan, introduced the following declaration:

Be it declared, That the sum of —— dollars be and the same is hereby appropriated out of the contingent fund of the Convention, to pay the expenses of the Committee to Investigate the State Penitentiary, travelling expenses, expenses of witnesses, etc., etc.

On motion the declaration was referred to the Committee on Contingent Expenses.

Mr. Harne, of Grimes, introduced the following resolution:

Resolved, That the following be a section of the constitution:

SECTION —. No person shall ever be imprisoned for debt, except in cases of fraud, after verdict and judgment of a court of competent jurisdiction; and it shall be the duty of the Legislature to provide for carrying this provision into effect.

On motion the resolution was referred to the Committee on General Provisions.

Mr. Vaughan offered the following resolution:

First. *Be it ordained by the People of Texas in Convention assembled,* That the sum of one hundred thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay a bounty of one hundred dollars to each enlisted man who was honorably discharged from the First and Second Texas Cavalry, United States Volunteers, who served in the late war in aid of putting down the rebellion; and that the military commander of this department be requested to authorize the payment of this appropriation.

Second. *Be it further ordained,* That said bounty shall be paid on the claimant making such proof of his enlistment and honorable discharge, before the Comptroller, as may be prescribed by the Governor of the State of Texas.

On motion the resolution was referred to the Committee on Federal Relations.

On motion of Mr. Johnson, of Calhoun, the Convention resolved itself into Committee of the Whole upon the report of the Committee on Federal Relations.

Mr. Armstrong of Lamar in the chair.

The committee rose, reported progress, and reported the substitute of Mr. Hamilton, of Travis, to the report of the Committee on Federal Relations.

Mr. Smith, of Galveston, moved a call of the House.

Call sustained.

Mr. Hamilton, of Travis, moved the Convention adjourn until 9 o'clock to-morrow morning.

Motion withdrawn by consent.

Mr. Smith, of Galveston, moved to adjourn until to-morrow morning, at 9 o'clock, upon which the yeas and nays were called and resulted thus:

Yeas—Messrs. Armstrong, of Lamar, Bledsoe, Butler, Coleman, Evans, of Titus, Fleming, Lippard, Mundine, Phillips, of San Augustine, Schuetze—10.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Bell, Bellinger, Board, Boyd, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Bastrop, Hamilton, of Travis, Harris, Harne, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Munroe, Newcomb, Oaks, Patten, Pedigo, Posey, Rogers, Ruby, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—77.

So the Convention refused to adjourn.

Mr. Smith, of Galveston, moved the call of the House be withdrawn.

Mr. Hamilton, of Bastrop, moved to lay the substitute on the table.

The yeas and nays were called and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Bell, Bellinger, Bledsoe, Boyd, Brown, Bryant of Harris, Butler, Carter, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Foster, Glenn, Hamilton, of Bastrop, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Kirk, Leib, Lippard, Long, McWashington, Mullins, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith, of Galveston, Sorrell, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—46.

Nays—Messrs. Adams, Armstrong, of Lamar, Board, Bryant, of Grayson, Buffington, Burnett, Caldwell, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harne, Johnson, of Calhoun, Kealy, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey. Rogers, Scott, Smith, of Marion, Stockbridge, Sumner, Varnell, Vaughan, Wilson, of Brazoria, Wright—43.

So the substitute was laid on the table.

Mr. Hamilton, of Bastrop, moved to reconsider the vote by which the substitute of Mr. Hamilton of Travis was laid upon the table, and also moved to lay the motion to reconsider on the table.

The motion to lay on the table was carried.

On motion the Convention adjourned untill nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
June 30, 1868.

Convention met pursuant to adjournment.

Roll called.. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Burnett presented the following petition:

To the Honorable Constitutional Convention of Texas:

The petition of Wm. P. Leaverton, a citizen of Houston county, respectfully represents unto your honorable body that heretofore, to-wit, on the —— day of April, 1868, his brother, James H. Leaverton, departed this life in Anderson county, Texas, leaving all his property, real and personal, and outstanding debts and liabilities, with probably but a small exception, in Houston county, where he had formerly lived for many years, and where his homestead is situated and his orphan children now reside; that your petitioner is the legally appointed and qualified administrator of his said brother's estate, and is now administering the same in Anderson county; that by the laws of Texas administration can only be had in Anderson county, where deceased died, and that it is important and necessary to the convenient and economical administration of said estate that the administration be removed to Houston county.

Therefore, your petitioner prays your honorable body to adopt a special resolution or declaration providing for the immediate removal of the administration of said estate to Houston county, and as in duty bound your petitioner will ever pray.

WM. P. LEAVERTON.

CROCKETT, TEXAS, June 24, 1868.

Referred to the Committee on the Judiciary.

Mr. Kealy presented the following petition:

HON. E. J. DAVIS,
President of the Convention:

SIR: The undersigned citizens of Denton and Cooke counties respectfully ask leave to file the following protest against a petition introduced by Mr. Thomas, the member from Collin, asking for a subdivision of the counties of Cooke, Denton, Grayson and Collin, and the formation of a new county out of fractions taken from the above-named counties, with Pilot Point for its county site, for the following reasons, to-wit:

Denton and Cooke counties, from which a large portion of the territory is proposed to be taken for the formation of said new county, are situated on the northwestern border of the State, and have, comparatively speaking, a very sparse population; and, owing to frequent Indian depredations committed on their western border, there is no hope of an early increase of the population or wealth of either one of said counties, so as to enable them to support their organizations in the manner that they should be supported, without being deprived of that part of their territory that contains their heaviest population, as is proposed in the said petition. And, as facts in support of this statement, they represent that neither one of the four counties out of which the proposed new county is to be taken, have a jail sufficient to secure the safe keeping of criminals, and some of them have no jail at all; and that there is but one court-house in the four counties in which the courts can be held with any degree of comfort whatever; and they further state that the counties of Denton and Cooke are not now, with the entire population in their limits, able to erect such public buildings as are absolutely necessary for the administration of justice.

And they further state that the county sites of said counties have for years been satisfactorily located within five miles of the center of the counties, and, to erect a new county, as proposed, would, according to the statement of said petition, place the town of Denton, the county site of Denton county, within ten miles of the eastern boundary of said county, and would also place the county seat of Cooke county in a similar situation in reference to her southern border, and would, in all probability, entail upon those counties years of local strife and bitterness, growing out of the agitation of the questions of the change of their county seats to a point within the constitutional limits for the location of the county seats of the counties of the State, and thus not only disturb the peace and harmony of the population of said counties, but would produce a state of uncertainty that would retard their progress for years to come. Your petitioners do, therefore, humbly pray that the said petition be not granted, and that their organizations be allowed to remain as they now are.

(Names of citizens of Cooke county.)

R. F. Scott and thirty-two others.

On motion the petition was referred to the Committee on Counties and County Boundaries.

Mr. Smith, of Marion, presented the following Minority report from the Committee on Immigration:

COMMITTEE ROOM,
AUSTIN, June 30, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Immigration having under consideration the importance of such resolutions as will induce the greatest amount of Immigration to our State as is necessary to promote the interests, develop the resources and increase the wealth of our State:

We, the undersigned, in behalf of the minority report, concur with the majority in the great principle, but dissent as to the manner of accomplishing the great object. We believe that the Legislature should make the necessary arrangements in establishing a Bureau of Immigration. We join with the majority in their rules as applicable at present, but the interests of the country might require a great change in a short time, as our country increases in wealth and prosperity and the wants of the people change:

Therefore, I present the following resolution and recommend that it do pass.

ARTICLE —

Resolved, SECTION 1. That the Legislature of the State shall enact such laws as is necessary to induce, promote and protect Immigration.

SEC. 2. The Legislature shall provide for a Bureau of Immigration.

SEC. 3. The Legislature shall make the appropriation of funds necessary to carry out the spirit and intent of section 1st and 2nd of this article.

The President announced the Committee to visit the Blind Asylum to be:

Messrs. Smith of Galveston, McCormick, Lindsay. Brown, Evans of Titus, Bledsoe, Hunt, Bryant of Grayson, Buffington, Walker, Vaughan, Mackey, Phillips of San Augustine, Kealy, Long.

Mr. Bryant of Grayson, moved that Mr. Sumner be added to the Committee.

Mr. Lindsay offered the following declaration, and asked that the rules be suspended to allow consideration of the declaration:

Be it declared, by the people of Texas in Convention assembled; That the sale of the School Lands by the Police Courts of the several counties of the State, as authorized by the Act of the Legislature, approved November 1st, 1866, is hereby suspended, until some definite policy in reference thereto, shall be established in the reorganization of Civil Government in the State.

Be it further declared by the Convention, that 150 copies of this declaration be printed, and upon its adoption by the Convention, the Secretary transmit a copy thereof to the County Judge of each County in the State for his guidance and direction.

Mr. J. W. Flanagan offered the following amendment:

And that all sales that have been made under said Laws are null and void.

The question recurring upon the adoption of the amendment, the Yeas and Nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Brown, Bryant of Grayson, Bryant of Harris, Caldwell, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Foster, Grigsby, Hamilton of Bastrop, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lippard, Mackey, McWashington, Newcomb, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Marion, Stockbridge, Thomas, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—44.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Burnett, Cole, Evans of Titus, Fleming, Gaston, Glenn, Goddin, Gray, Hamilton of Travis, Harris, Harne, Keigwin, Lindsay, Mills, Morse, Muckleroy, Mullins, Munroe, Pedigo, Posey, Rogers, Scott, Sorrell, Varnell, Vaughan, Wilson of Brazoria, Wright—30.

So the amendment was adopted.

Mr. Caldwell moved that Mr. Smith of Marion, be added to Committee to visit the Asylum.

There being no objection it was so ordered.

Mr. Evans of McLennan, moved the adoption of the declaration as amended.

The declaration was read a second time, and ordered to be engrossed.

Mr. Hamilton, of Bastrop, moved a further suspension of rules to put the declaration on its final passage.

Rules suspended, declaration read a third time and passed.

Mr. Patten introduced the following declaration and asked its reference to Committee on Public Lands:

A DECLARATION.

Be it declared, FIRST, That all persons being heads of families, or twenty-one years of age, who have settled upon and improved, or who may hereafter settle upon and improve a portion of the vacant public domain which has never been filed upon, located or surveyed, by virtue of some genuine, legal and, valid certificate, or other evidence of title to land previous to such settlement and improvement, shall have the privilege of locating and appropriating a tract of such vacant land, not to exceed one hundred and sixty acres, so as to include said settlement or improvement, in preference to all other claims or claimants; and all files, entries, locations or surveys made so as to interfere with the preference granted by this declaration shall be null and void.

SEC. 2. It shall be the duty of the County and District Surveyors of each and every county and district to keep a record book, to be devoted exclusively to preemption claims; and such settlers shall, each, within twelve months from the passage of this declaration, or within twelve months from the commencement of any such settlement which may hereafter be made, cause to be surveyed the amount of land for which such settler intends to claim preemption privileges; and, on application being made by such settler to a surveyor, to have his or her said land surveyed to include his or her improvements, he or she shall not be required to furnish the Surveyor with any land certificate or other claims against the Government for lands; but he or she shall make an affidavit which may be administered by said Surveyor that he or she believes that he or she has settled upon vacant land, as contemplated in the first section of this declaration, upon which the survey for not exceeding one hundred and sixty acres of land may be made, and the field notes thereof shall be returned to the County or District Surveyor of the county or district in which the land lies, who shall record the same, together with the said affidavit of the settler in his preemptive book; for which service the said Surveyor may charge the fees now allowed by law for such services and no more.

SEC. 3. Each and every such settler shall prove before the County Judge of the County Court of the County in which he or she resides, by the testimony of two respectable citizens of the same county, known to said County Judge, that he or she is *bona fide* settled upon vacant land, and that he or she has resided upon and cultivated the same for the period of three years next preceding the time of making such proof, and the said County Judge shall, after recording in a book to be kept by him for that purpose, the application of such settler, the proof taken in support of the same and the names of the witnesses, shall deliver to such settler a certificate under the seal of his office, upon receiving a fee of two dollars therefor.

SEC. 4. Should any such settler die previous to procuring a patent for the land including his or her settlement and improvement, as provided by this declaration, his or her heir or heirs shall be entitled to the same preference or privileges as the deceased would have been according to the provisions of this declaration. That each and every such settler, upon presenting to the Commissioner of the General Land Office the field notes of his or her survey, together with the duly authenticated copy from the record of the County or District Surveyor of his or her said affidavit, and also his or her certificate, made in accordance with the third section of this declaration, shall be entitled, upon paying to said commissioner the usual patent fee, and no more, a patent upon and for his or her said survey of land; *Provided*, the same does not exceed one hundred and sixty acres.

SEC. 5. All lands which may be settled upon under the provisions of this declaration shall be liable for the State and County taxes from the time of making such survey, and no patent shall issue thereon until all such taxes have been paid. And no individual shall be entitled to or allowed to appropriate or secure more than one tract or survey of land under the provisions of this declaration.

SEC. 6. The provisions of this declaration shall not be so construed as to grant a preemption right to any land which by law is now reserved from location or entry.

Mr. Vaughan moved that Mr. Slaughter be added to the committee to visit the Blind Asylum.

Carried.

Mr. Hamilton, of Bastrop, moved that the Convention resolve itself into committee of the whole upon the report of the Committee on Division of the State.

Carried.

Mr. Flanagan was called to the chair, but was excused from taking the chair.

Mr. Armstrong, of Lamar, in the Chair.

The Committee rose, reported progress, and asked leave to sit to-morrow at 11 o'clock.

Leave granted.

Mr. Mullins moved that the Convention adjourn until to-morrow morning at 9 o'clock.

Lost.

The President announced the business in order was upon the motion of Mr. Hamilton, of Bastrop, to recommit the report of the Committee on Federal Relations, upon the resolution of Mr. Mills, ceding the county of El Paso to the United States.

On motion, the Convention adjourned until 4 o'clock.

JUNE 30, 4 O'CLOCK, P. M.

Roll called; quorum present.

The President announced the business in order was upon the motion of Mr. Hamilton, of Bastrop, to recommit the report of the Committee on Federal Relations, upon the resolution of Mr. Mills. of El Paso.

Mr. Mills moved the previous question upon the passage of the resolution.

Previous question seconded.

The question then recurred "shall the main question be now put?" upon which the yeas and nays were ordered and resulted as follows;

Yeas—Messrs. Armstrong of Lamar, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Fayle, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Johnson of Calhoun, Kealy, Lindsay, McWashington, Pedigo, Phillips of Wharton, Rogers, Scott, Smith of Marion, Stockbridge, Sumner, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright—35.

Nays—Messrs. President, Adams, Armstrong of Jaspar, Bell, Bellinger, Bledsoe, Board, Brown, Buffington, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, Hamilton of Bastrop, Harris, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Lippard, Long, Mackey, Morse, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Slaughter, Smith of Galveston, Thomas, Whitmore, Williams, Wilson of Milam, Yarborough—37.

So the Convention refused to sustain the previous question.

The question then recurred upon the motion to recommit.

Mr. Mills moved to postpone the consideration of the report, and make it the special order for Thursday, at 11 o'clock.

Carried.

The President announced the next business in order to be the report of the Committee on Internal Improvements, with accompanying resolution.

Mr. Flanagan moved that the consideration of the report of the Committee on Internal Improvements be postponed, and made the special order for Monday next, at 10 o'clock.

Mr. Hamilton, of Travis, offered the following resolution:

Resolved, That the sessions of this Convention shall hereafter be, unless otherwise ordered, from 9 o'clock A. M., until 1 o'clock P. M., of each day.

Mr. Hamilton, of Travis, moved that the rules be suspended to allow consideration of the resolution.

Rules suspended.

Mr. Smith, of Galveston, offered the following amendment:

Amend, "to hold a session from 9 to 1 and from 8 to 10 at night."

Mr. Sumner moved to lay the amendment on the table.

Carried.

Mr. Sumner moved to amend as follows:

Amend, "that no member of this Convention be allowed to speak over thirty minutes at one time."

Mr. Munroe moved to lay the amendment on the table.

Carried.

The question recurred upon the passage of the original resolution.

Mr. Hamilton moved the previous question.

Previous question seconded.

The question recurred "shall the main question be now put?"

The main question was ordered.

The question then recurred upon the passage of the resolution.

The resolution was adopted.

On motion the Convention adjourned until nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
July 1, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Carter, Chairman of the Committee on Style, made the following report:

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Style, to whom was referred passed resolutions Nos. 19, 20, 22, 23 and 24, have examined the same, and return them as correct.

CARTER,
Chairman.

Mr. Evans, of McLennan, introduced the following declaration:

Be it declared by the Convention:

SECTION 1. That the Governor of Texas be, and he is hereby authorized and requested to enter into negotiations with the Government of the United States, for the cession, by sale, on the part of the State of Texas, to the United States, of all that part of the territory of Texas west and northwest of a line from the northwest corner of Hardeman county, Texas, to the mouth of the Pecos river. *Provided*, that no sale or cession of said territory shall have effect until submitted to and approved by the Legislature of the State of Texas.

SEC. 2. That the Governor of Texas be, and he is hereby authorized and requested, in said negotiations, cession and sale of said territory, that he procure, if possible, a guarantee from the United States, that she will control the Indians in said territory; and that she will, by a line of military posts or otherwise, prevent the thieving excursions of the Indians from said territory ceded to her, and in case of a failure to do so, that the United States will pay for all losses of property in Texas, occasioned by the said hostile and thieving excursions into Texas.

SEC. 3. That the Governor of the State of Texas may employ an agent or commissioner the more speedily to carry out the power herein granted to him; and that the sum of —— thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the treasury of the State of Texas not otherwise appropriated, and placed at the disposal of the Governor of Texas, to carry into effect the provisions of this declaration.

Referred to Committee on Federal Relations.

Mr. Jordan introduced the following declaration, and asked its reference to the Committee on General Provisions:

Be it declared by this Convention, That the Legislature shall, at the first meeting after the adoption of this constitution, provide, by law, for the punishment of peculation, embezzlement, or public fraud of any kind; and such punishment shall not be less than confinement and labor in the penitentiary, or elsewhere, as the law may provide; nor shall such punishment be abated, unless the money or goods so embezzled, or their equivalent, be refunded; nor shall any person so convicted ever hold office in this State thereafter.

Referred to Committee on General Provisions.

Mr. Flanagan, of Rusk, introduced the following declaration:

For the Development of the Riches, Fertility and Commerce of the State.

SECTION 1. *Be it declared*, For the purpose of enriching the planters of the State, and inviting immigrants from other States and countries, that are experienced in the culture of tobacco, that for every hogshead of tobacco that shall be raised in any county in the State, in the years 1869 and 1870, the raiser of the same shall be entitled to, as a premium from the State, out of any portion of the unappropriated public domain, three hundred and twenty acres of land.

SEC. 2. Said hogshead shall in no case weigh less than one thousand pounds, to be put up in good, merchantable manner, and the raiser of one or more hogsheads shall go to the county clerk of the county where he or they may reside, and, with two respectable citizens, make oath that the applicant has raised and put up a hogshead, or hogsheads, of tobacco, as contemplated in the first section; which oaths of the planters and witnesses shall be recorded in the record book of the county.

SEC. 3. Upon the giving of a receipt by the clerk to the applicant, said receipt, with the seal of the county, in proper form, shall be sufficient to authorize the Commissioner of the General Land Office to issue to the holder of said clerk's certificate scrip for the amount of land which, when surveyed on any unappropriated land, shall be patented to the holder of any scrip as above described, as valid by the State.

On motion the declaration was referred to the Committee on Internal Improvements.

Mr. Hamilton, of Bastrop, introduced the following resolution:

Resolved, That Brevet Major-General J. J. Reynolds, commanding District of Texas, be, and he is respectfully requested to cause the proper accounting officer of the Civil Provisional Government to furnish, for the information of this Convention, complete estimates of the probable receipts into the treasury, and expenditures therefrom, for the year ending July 1, 1869; noting the appropriation made by the Commanding General of the Fifth Military District, by request of His Excellency the Governor, and of this Convention, in addition to those made by the Legislature of 1866.

Mr. Hamilton, of Bastrop, moved a suspension of the rules to take up resolution.

Rules suspended.

Resolution read a second time and ordered to be engrossed.

Mr. Hamilton, of Bastrop, moved a further suspension of the rules to put resolution on its passage.

Rules suspended.

Resolution read a third time, and passed.

Mr. Thomas offered the following resolution:

Be it resolved, That the Constitution of the State of Texas, as it existed in 1860, be committed to the Judiciary Committee, with instructions to report to this Convention what parts of said constitution, if any, are in conflict with the Constitution and Laws of the United States.

Mr. Evans, of McLennan, moved a suspension of the rules to take up resolution.

Rules suspended.

Resolution read and adopted.

Mr. Lippard offered the following resolution:

Be it ordained by the people of Texas in Convention assembled, That it shall be a sufficient reason for a peremptory challenge to any person as a juryman, who voluntarily rendered service in the so-called Confederate States Army; or voted for secession, or aided or abetted, or advised, counseled or sympathized with the so-called Confederate States Government; or any cotton agent, either State or Confederate; or agent or contractor, which had for its object the carrying on said rebellion against the United States Government.

Referred to Committee on the Judiciary.

Mr. Harne introduced the following declaration, and asked its reference to the Committee on Education:

Resolved, That the following shall be a provision in the constitution.

SECTION —. The school fund set apart by this constitution, and the fund which may be set apart by future legislation, shall forever remain a sacred trust, solely for the education of the children of Texas, regardless of race or color, or former condition. It is expressly denied unto the Legislature to use the principal or interest thereof for any other purpose than that of education, and the interest accruing on said fund alone shall be disbursed for educational purposes. The Legislature shall provide by law for investing the principal of said fund under and by direction of the Governor.

Referred to Committee on Education.

Mr. Hunt introduced the following declaration, and asked its reference to the Committee on Federal Relations:

DECLARATION.

WHEREAS, Other States of the American Union have given substantial proof, in the bestowal of liberal bounties, that the services of those of their citizens who fought in the National armies, in suppressing the late rebellion, are fully appreciated; and

WHEREAS, Many citizens of Texas were engaged in the same cause, whose services have never been recognized by the State;

Be it, therefore, declared by this Convention, That it is the duty of Texas, in common with other States, to remember those of her citizens who took up arms in defence of the National Government in the hour of danger; and that from the public domain shall be reserved such an amount of land as will allow the following proportion of bounty, to-wit: All who served six months, or under, eighty acres of land; all who served over six months, or under one year, one hundred and sixty acres; all who served over one year, three hundred and twenty acres. And if any citizen of this State, enlisting in the army of the United States during the above period shall have died during or after such service, then his legal representatives shall be entitled to such bounty.

Referred to Committee on Federal Relations.

Mr. Slaughter offered the following resolution:

Resolved, In acknowledgment of our first and greatest obligations due Almighty God, that the Representative Hall be open every Sabbath during the sitting of this body for Divine worship, and that the Chaplain direct the services.

Mr. Slaughter moved that the rules be suspended to put resolution upon its passage. Rules suspended.

The question recurring upon the adoption of the resolution, the Yeas and Nays were ordered and resulted thus:

Yeas—Messrs. President, Adams, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Constant, Curtis, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harris, Harne, Hunt, Johnson of Harrison, Kealy, Kendal, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mullins, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Smith of Galveston, Stockbridge, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—56.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Brown, Cole, Coleman, Degener, Downing, Evans of Titus, Fleming, Goddin, Johnson of Calhoun, Jordan, Keigwin, Keuchler, Muckleroy, Mundine, Posey, Ruby, Schuetze, Sorrell, Sumner, Talbot, Thomas, Varnell—26.

So the resolution was adopted.

Mr. Mullins moved a reconsideration of the vote upon the passage of the resolution.

Mr. Smith of Galveston, moved to lay the motion on the table, upon which the yeas and nays were ordered and resulted thus:

Yeas—Messrs. Adams, Board, Bryant of Grayson, Bryant of Harris, Buffington, Caldwell, Carter, Constant, Curtis, Evans of McLennan, Fayle, W. Flanagan, Foster, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harne, Hunt, Johnson of Harrison, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Oaks, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Galveston, Stockbridge, Watrous, Whitmore, Williams, Wilson of Brazoria—37.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Butler, Burnett, Cole, Coleman, Degener, Downing, Evans of Titus, Flanagan, Fleming, Gaston, Gray, Harris, Johnson of Calhoun, Jordan, Kealy, Keuchler, Kirk, Mullins, Mundine, Munroe, Newcomb, Pedigo, Posey, Rogers, Ruby, Schuetze, Scott, Sorrell, Sumner, Talbot, Thomas, Varnell, Wright, Yarborough—41.

So the motion to lay on the table was lost.

The question then recurred upon the passage of the resolution.

Mr. Schuetze moved to lay the resolution offered by Mr. Slaughter upon the table, upon which the Yeas and Nays were called and resulted as follows:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Butler, Burnett, Carter, Cole, Coleman, Degener, Downing, Evans of Titus, Flanagan, Fleming, Foster, Gray, Harris, Johnson of Calhoun, Jordan, Keigwin, Keuchler, Kirk, Mullins, Mundine, Munroe, Newcomb, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Sorrell, Sumner, Talbot, Thomas, Varnell, Yarborough—42.

Nays—Messrs. President, Bryant of Grayson, Bryant of Harris, Buffington, Caldwell, Constant, Curtis, Evans of McLennan, Fayle, W. Flanagan, Gaston, Grigsby, Hamilton of Bastrop. Hunt, Johnson of Harrison, Kendal, Leib, Lindsey, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Oaks, Phillips of San Augustine, Rogers, Slaughter, Smith of Galveston, Stockbridge, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—35.

So the resolution was laid on the table.

Mr. Evans, of McLennan, in the chair.

Mr. Davis, of Nueces, introduced the following declaration:

Declaration to be incorporated into the General Provisions of the Constitution.

SECTION 1. That the action of the (so-called) Convention of the State of Texas, which assembled in the city of Austin, on the —day of February, A. D., 1861, was and is null and void. That all the action of the rebel organization in the State of Texas, under the authority of said Convention, of its Ordinances or its Constitution, whether Legislative, Executive, Judicial or Military, was, and is, hereby declared to be null and void. That no debt or liability, whether for civil or military purposes, or incurred by the action of said Convention, or by the so-called Legislature of said State, or by any department of the so-called government of the same, between the said day of February, 1861, and the — day of August, 1865, shall ever be recognized as obligatory on the people of this State. That the action of the convention which met in Austin on the — day of February, 1866, and of the so-called Legislature which met in Austin on the — day of August, 1866, was without legal authority and only provisional in character.

Provided, however, 1st. That the following laws and parts of laws passed by the assemblages sitting at Austin, and calling themselves Legislatures of the State of Texas, since the said — day of February, 1861, be, and the same are, hereby declared and established as laws of this State, viz: (here Committee on General Provisions will insert by title and chapter or section, (as the case may be) the laws and parts of laws intended to be declared and established.)

2nd. That all such private acts of incorporation or charter, passed by the assemblages mentioned in 1st proviso, and since the said — day of February, 1861, as may have been enacted for a meritorious object, (and not for the purpose of rewarding persons lately in rebellion) where under such acts, operations by the companies chartered, have actually commenced and money been expended in carrying out the purposes of the same, be and the same are, hereby declared and established and made valid; *Provided*, that this provision shall not be considered as continuing such charters in existence, where, under the terms thereof, the same would have already expired or been forfeited.

3d. That the acts of so-called officers, in solemnizing marriages; in taking acknowledgment and recording deeds and other instruments of writing; the decisions of so-called courts, during the period since said — day of February, 1861, where parties were present in the State; all contracts made between private parties since said — day of February, 1861; and the acts and proceedings of military and provisional officers and courts since the — day of August, 1865; be and the same are hereby declared and established as valid and of binding force, to the same extent that such acts, decisions, contracts and proceedings would have been, had the enactments or laws under which the same were executed, been legally made, and the said officers been legally authorized to perform the acts or proceedings in question. *Provided*; that loyal men shall not be prejudiced in their rights by this declaration, and that any loyal person or his heirs may, by proper legal proceeding, to be commenced before the 1st day of September, 1869, show proof in avoidance of any contract made since said — day of February, 1861, that through fraud practiced, or threats or violence used towards such person, no adequate consideration for the contract has been received; and also, that any loyal person, or his heirs, may by such legal proceeding, commenced before said 1st day of September, 1869, revise and annul any decision of the courts made since the —day of February, 1861, where through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair and impartial.

On the reading of the declaration offered by Mr. Davis, of Nueces, Mr. McCormick made the point of order that so much of the declaration as is contained in these words:

"That all the action of the rebel organization in the State of Texas, under the authority of said Convention, of its ordinances or its constitutions, whether legislative, executive, judicial or military, was, and is hereby declared to be null and void," having been definitely acted upon by the Convention could not be again introduced.

The chair decided that the Convention had taken no action, that pervented the introduction of the declaration as presented, from which decision of the President, Mr. McCormick appealed, and the question being put, "shall the decision of the chair be sustained," the same was decided in the affirmative. So the decision of the President was sustained.

Mr. Davis, of Nueces, moved that 100 copies of the declaration be printed, and that it be referred to the Committee on General Provisions.

Carried.

The President in the chair.

The President announced the hour had arrived to go into Committee of the Whole, upon the report of Committee on the Division of the State.

On motion the Convention resolved itself into Committee of the Whole.

Mr. Evans of McLennan, in the chair.

The Committee rose, and reported that the Committee asked leave to be discharged from the further consideration of the report.

The Committee of the Whole was discharged.

Mr. J. W. Flanagan moved that report of the Committee on Division of the State, with accompanying resolutions, and that the substitute be printed and made the special order for Friday morning at 10 o'clock.

Carried.

Oo motion the Convention adjourned until 9 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JULY 2, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the chaplain. Journal of yesterday read and adopted.

Mr. Hamilton, of Travis, Chairman of the Committee on Judiciary, made the following report:

TO THE HON. E. J. DAVIS,
President of the Convention:

The Committee on Judiciary, to whom has been referred the message of the Governor, in regard to the purchase and distribution of Paschal's Annotated Digest of the Laws of Texas, have instructed me to report that they find that the work was prepared by Judge Paschal during the leisure which the unhappy civil war enforced; that it consequently has been prepared with a degree of learning, labor, care and accuracy which so able an author could not afford under other circumstances; that it contains the whole body of our statute laws of force, as well as all the organic and repealed laws, upon which so many rights in Texas rest; that these statutes are noted with the decisions which have interpreted them, arranged in a manner which has no equal in any State; that the numbering of the articles of previous digests have been preserved in a manner which renders the Texas Reports intelligible upon many points, when they would be obscure without such aid; and in a word, that the work is indispensable to the profession and in the administration of justice.

The publication of the work was authorized by the Provisional Governor, and so highly has it been approved by the entire legal profession of the State, that it has been adopted by the Supreme Court, and it is now universally quoted by articles and notes.

The work has thus become an authority, and an indispensable one, since much of the matter is inaccessible to most of the officers of the State.

The whole expense of the enterprise has thus far been borne by the public spirited and patriotic author.

But, in the opinion of your committee, in this case, necessity points to the path of duty.

Judge Paschal has suffered much for his patriotic devotion to the cause of the Union, and independently of the intrinsic merits of a work which has given a high character to the laws of the State, he deserves well of his country; and this Convention could not consistently do less than to purchase the number of copies necessary to supply the immediate wants of the officials who, under the laws, are entitled to digests.

The author asks of the State no speculative price, but he proposes to furnish the work at a rate greatly below any book ever purchased or printed by Texas.

The ability to do so grows out of the fact that the copyright and stereotyped plates belong to the author, who has borne the heavy expense of the outlay.

As the work, therefore, is the best, the cheapest, and under all changes, will be the most useful which the State could purchase, and as we doubt not but the appropriation would meet the approbation of the whole people, the Judiciary Committee have instructed me to report the following resolutions:

ANDREW J. HAMILTON,
Chairman.

Resolved, 1st. That the Governor be instructed to contract with Geo. W. Paschal for the delivery of thirty-five hundred copies of "Paschal's Annotated Digest of the Laws of Texas," in the city of Austin, at the proposed price of nine dollars per volume; the books to be printed and bound in the same style of the first edition.

Resolved, 2d. To ensure the early delivery of the work, it shall be the duty of the Governor, as soon as the said Geo. W. Paschal shall execute to the State his bond, with securities to be approved by the Governor, in the sum of forty thousand dollars, for the delivery of said number of the Digests, in the city of Austin, within four months from the date of said bond, to draw upon the Treasurer of the State for twenty thousand dollars of said money, and to draw for the balance as soon as the books shall be delivered to the Secretary of State.

Resolved, 3d. The sum of thirty-one thousand five hundred dollars be, and the same is hereby appropriated, to carry into effect this ordinance.

Mr. McCormick, Chairman of the Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
AUSTIN, July 2, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Contingent Expenses, to whom was referred the resolution offered by Mr. Evans, of McLennan, making an appropriation to pay the expenses of the committee appointed to investigate the State Penitentiary, have instructed me to report the same back to the Convention, with the recommendation that the blank be filled with "four hundred," and that said resolution be passed.

A. P. McCORMICK,
Chairman.

Be it declared, That the sum of four hundred dollars be, and the same is hereby appropriated, out of the contingent fund of the Convention, to pay the expenses of the committee to investigate the State Penitentiary, traveling expenses, expenses of witnesses, etc., etc.

Mr. McCormick moved that the rules be suspended for the consideration of the declaration.

Rules suspended and declaration read second time.

Mr. Armstrong, of Lamar, moved to insert "500" instead of "400."

The question being upon the amendment of Mr. Armstrong, it was lost.

The question being upon the engrossment of the declaration, it was engrossed.

Mr. McCormick moved a further suspension of the rules to put the resolution on its final passage.

Rules suspended.

Resolution read a third time and passed.

Mr. Caldwell, Chairman of the Special Committee on Lawlessness and Violence, made the following report:

COMMITTEE ROOM,
AUSTIN, June 30, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Lawlessness and Violence respectfully submit the following report:

We have had access to the following sources of information, viz: 1. The records of the State Department, particularly the official reports of the Clerks of the District Courts. These reports are, however, very meagre, inasmuch as they represent only about forty counties, and take notice of only those offenses for which indictments have been found. 2d. The records of the office of the Freedmen's Bureau. These records are likewise very imperfect, as they give information from only about sixty counties, and do not supply accounts of all the outrages committed in those counties; and 3d, the sworn statements of competent and reliable witnesses in different sections of the State. These are also incomplete, for they were made from memory, neither are they as numerous as they should be. We have found no little difficulty in getting gentlemen to testify before us. Many are unwilling, and others are afraid of assassination should they do so, and hence very few have responded to the summons of the committee. We do not, therefore, offer this report as a complete exhibit of crime in Texas. We feel confident that it presents a very imperfect view of the actual violence and disorder in the State.

In collecting the statistics here presented, we have carefully excluded every report that did not bear the marks of veracity. In compiling the number of homicides, for example, we have included only such cases as are either officially reported or distinctly mentioned or remembered by affiants, and we have ventured no statement which is not fully warranted by facts. It is claimed for the report, therefore, that it is faithful and true.

In our statistics we have not embraced assaults with intent to kill, rapes, robberies, whipping of freedmen, and other outrages, many of which we found to be most cruel and wanton; such a summation would impose an almost endless task. We have directed our investigations to the homicides committed during the period of time intervening between the close of the rebellion and the first of June, 1868, and, from the three sources of information mentioned, we present the following statistics of homicides in Texas:

Killed in 1865,	39 whites;	38 freedmen—	77
" " 1866,	70 "	72 "	142
" " 1867,	166 "	165 "	331
" " 1868,	171 "	133 "	304
Year unknown,	24 "	21 "	45
Of unknown race			40

Total whites, 470; total freedmen, 429; making a grand total of 939 homicides committed in Texas since the conclusion of the war, June, 1865, to June 1, 1868, including a few cases casually reported in the present month. This gives an average of 313 per year.

Of these 939 homicides, there were by whites, 460 whites, 373 freedmen—833; by freedmen, 10 whites, 48 freedmen—58; and by parties whose race is unknown, 48.

Now, incomplete as they are, these figures tell a frightful story of blood. They represent stubborn facts which cannot be suppressed by denials, or by denouncing them as fabricated for political effect; and whoever attempts it is not only unfaithful to history, not only an apologist for crime, but may be justly charged as an accessory to the wickedness itself, as encouraging and abetting murderers, and as equally guilty with them. We cannot shut our eyes upon these appalling scenes of bloodshed; and, instead of attempting to conceal them, it becomes us to face them honestly, and address ourselves to the duty of discovering the cause, and locating the responsibility of this slaughter of our fellow citizens.

Many of these homicides have doubtless been committed for the purpose of plunder and robbery. The facts and the testimony show that many of our highways are infested by bandits, who will take life for a horse, or a pistol, or a purse. These desperadoes, with very few exceptions, were either Confederate officers, or soldiers or bushwhackers during the late war, and now constitute one of the legitimate entailments of secession and rebellion. It is also true that many of these homicides have resulted from private quarrels. There is much bad blood in the land. But this wholesale killing cannot be accounted for by either or both of the causes named. The figures themselves shed some light on this subject.

During the last three years, according to the reports consulted, three hundred and seventy-three freedmen have been killed by whites, whilst only ten whites have been killed by freedmen. Now, it cannot be that all these colored people, or any considerable number of them, were murdered for their money. Their extreme poverty forbids the supposition. Neither can it be that many of them were slain in personal altercation with whites; for, in that event, there should have been as many whites killed by freedmen, as freedmen by whites—the freedmen being, it is said, generally as well armed as the whites. This great disparity between the numbers of the two races killed, the one by the other, shows conclusively, that "the war of races" is all on the part of the whites against the blacks. The evidence in our possession also shows that a very large portion of the whites murdered were Union men, and that the criminals, with remarkably few exceptions, were and are disloyal to the Government.

We are, hence, directed to the hostility of feeling entertained by ex-rebels against loyal men of both races, for the discovery of the cause of a large proportion of these outrages. Men naturally hate those whom they have wronged; and we are authorized by facts to affirm that multitudes who participated in the Rebellion, disappointed and maddened by their defeat, are now intensely embittered against the freedmen on account of their emancipation and enfranchisement, and on account of their devotion to the Republican party; and against the loyal whites for their persistent adhesion to the Union, that they are determined to resist by every means promising success, the establishment of a free Republican State government; that it is their purpose, even by desperate measures, to create such a state of alarm and terror among Union men and freedmen, as to compel them to abandon the advocacy of impartial suffrage or fly from the State; and that this feeling of animosity prompts and inspires them to many of these murders, unrestrained, as it is, by any fear of retribution.

There is absolute freedom of speech in very few localities of Texas. Union men dare not generally avow their political convictions. In many places they can hold public meetings only when supported by troops or armed men; and in many others they dare not hold them at all. In several instances their assemblies have been broken up and fired upon, and their speakers ordered to desist. The dominant rebel element will not tolerate free discussion.

We have been challenged to produce cases of Union men and freedmen being persecuted for their loyalty. We now do so: Judge Black was a Republican; he was murdered in 1867, in Uvaldi county, by a rebel. Milton Biggs was a Union man, and had been appointed County Judge of Blanco county; he was murdered, in 1867, while plowing in his field, before he could qualify. Judge Christian, a loyal man, of Bell county, was pursued into Missouri, and murdered by a party of rebels. Mr. Wade and seven other gentlemen were killed in Lamar county, last year, for their Unionism. Four men were recently murdered in the county of Hunt, and six in Bell county, for their loyalty. Within the present month, the County Judge and the District Clerk of Hunt county have been driven from their homes, and compelled to fly for their lives, because of their unyielding attachment to the Government. Hundreds of loyal men, to our knowledge, are, at this time, forsaking their homes in Texas, fleeing from the assassin—forced away by rebel intolerance. And we here put it to record, that Honorable members of this Convention are to-day exiles from their friends, and dare not return to their families, for the only reason that they will not forswear their principles.

Now, whilst it remains true that the Union men of Texas constitute a very small proportion of the white population, and whilst it is true that they are being killed by the rebels, it is impossible to escape the conclusion that they are killed for their Unionism. In other words—if they were rebels they would not be killed.

And when we come to examine the persecutions suffered by the freed people, the mass of testimony is so overwhelming that no man of candor can for a moment question the statement that they are, in very many parts of the State, wantonly maltreated and slain, simply because they are free, and claim to exercise the rights of freemen. Some months ago, in Panola county, a party of whites rode up to a cabin wherein some freed people were dancing, and deliberately fired upon them, killing four, one a woman, and seriously wounding several others. In 1867, in DeWitt county, a white man met a freedman riding, and asked him what he was going to do with the whip he had in his hand, and on being answered, "Nothing," shot the freedman, killing him instantly. In the county of Fort Bend, last year, a white man was riding through town, and seeing a negro man standing on the steps of the office of the Freedmen's Bureau, he drew his revolver and shot him dead. The criminal had never seen or spoken to the freedman before. In Newton county, 1867, a white man met a colored man driving a team, the former made the freedman get out of his wagon, and then shot him seven times in cold blood. In Fort Bend county, same year, the freed people were holding a fair to procure funds to finish their church, and while they were singing a hymn two white men rode by and fired their pistols into the church. In October, 1867, a white man was traveling in Grayson county and met a freedman; after passing him a few yards, he turned and fired upon him, hitting him in the back. The freedman died in a few hours; he had not spoken a word to the murderer; had never seen him before. But a few days ago a party of white men assaulted the family of an unoffending freedman in Falls county, killing one and dangerously wounding another freedman. In the same county, a few weeks ago, two armed white men, in open day, went to the house of a colored man, and without any provocation murdered him. Soon after this a white man, in the same neighborhood, rode up to two freedmen, and, without any known cause, shot one of them dead and fired at the other. Last week the colored Registrar in Burleson county was found murdered; and in January last the colored Registrar of Milam county was called to his door at night and shot. And so the bloody story runs.

We mention some minor outrages. In April last, a party of white men visited the cabins of two quiet industrious freedmen in Freestone county, captured one of them and took him to the woods to murder him; he, however, escaped, being fired at several times and receiving one wound. In that and adjoining counties the whites are driving the freedmen from their homes and from their crops, some of whom are in this city to-day, fugitives from rebel violence. In the county of Marion bands of armed whites are traversing the county, forcibly robbing the freedmen of their arms, and committing other outrages upon them. Last week a colored woman was whipped in Parker county by a white man; and some time ago, in another county, a white man cut off the ears of a freedwoman. It is openly proclaimed by many of the perpetrators of these wrongs that their object is to compel the negroes to give up loyal leagues, and to get satisfaction out of them for supporting Yankees.

We could extend this account. We have selected these cases at random to exhibit the feeling of hatred cherished by a certain class of ex-rebels against Union men and freedmen; and we deem them sufficient to sustain our allegation, that there is a settled determination on the part of many to suppress the growth of loyalty, and, if possible, to expel or exterminate the white and colored Unionists in the State.

It has also come to our knowledge that there are organizations of disloyal desperate men in several sections of the State, leagued together for the purpose of murdering prominent Unionists. This fact is set forth in the notices sent to leading Republicans in different portions of the State. It is not only believed by many good citizens, but it is claimed and openly asserted by rebels in many localities that such organizations do exist. The fact is stated too by several witnesses. It reveals itself likewise in the outrages systematically perpetrated on loyal whites and freedmen in the localities where these organizations are reported as existing. Some weeks ago a discreet officer of the United States Army was sent with instructions to investigate certain murders in Bell and Corryell counties, and he found tangible evidence of such an organization there. He found it in the murder of six or seven loyalists, several of whom had fought under the Union flag during the rebellion, and had to the last refused to desert their colors. He found it too in the terror and dread among the loyalists of that section, and in the precipitate flight of many from the State for safety. In the instances investigated by him, the murderers went in a body at night, in April last, and murdered in cold blood several loyal law-abiding citizens, rousing them from their beds and shooting them. They then gave out that their victims were horse-thieves, but a thorough examination exploded that falsehood. In his official report the said officer uses this language: "From all that I could learn, it is very evident that the rebels of Bell county have determined to kill or drive every loyal Union man from the county. This they are doing every day; and after they get rid of the men they seize their stock or whatever they can lay their hands on; so that instead of killing horse thieves, they prove to be thieves and murderers themselves." Again he says: "There appears to be a regularly organized band in Bell county for the oppression and extermination of the Union element." He also gives the names of some of this organization, and says, "they are all rebels, and disfranchised.

We have evidence of similar organizations in other parts of the State. Only a few weeks ago, since the meeting of this Convention, some arrests were made by the military authorities in Freestone county. The arresting party came upon the criminals by surprise at midnight and secured three of them, and by daylight the whole country was swarming with armed desperadoes from three different counties, who pursued the officer and soldiers, and, numbering about two hundred, rescued the prisoners. The officer who had charge of the expedition testifies: "It is my opinion that there is an organization of lawless men in that section. One of the men whom I let go stated this plainly to me, that they were bound to help one another, and from all that transpired I am satisfied that they have their signals, their runners and system of action."

We have intimated that bad men do not fear the civil courts of Texas. Why should they? During the years 1865, 1866 and 1867, as shown by the State Department, there were 249 indictments for murder found in the District Courts of the State, and only five convictions, about two per cent. of the whole; and it is a fact known to all that for the 900 murders known to have been committed since the conclusion of the war, there has been but one capital execution according to the forms of law, and that was the execution of a freedman in the county of Harris. These figures of themselves demonstrate the insecurity of human life in Texas. The criminal laws of the State are not executed.

In some districts the combinations of lawless men are too strong for the civil authorities, and openly defy them. This is the case in twenty-five or thirty counties. In some instances the county officers are themselves involved in these acts of violence, or connive at them, or willfully neglect to make arrests. The Sheriff of one county, for example, is one of a band of murderers, the Sheriff of another is at the head of certain desperadoes who have committed numerous outrages, including murder on the loyal whites and blacks of the county. We have information of numerous cases where the officers of the law most criminally refuse to make arrests for violations of law, and "no arrest" is the almost universal appendage to reports of lawlessness in our possession, although the criminals are generally known to the community. Not unfrequently they are aided in their escape. and harbored or concealed by citizens claiming respectability.

But all of these obstacles to the punishment of criminals are not sufficient to explain the inadequacy of civil government in Texas. We are compelled to introduce here that animosity toward the government and its friends, so prevalent everywhere, as a factor in bringing about such a state of anarchy. It is our solemn conviction that the courts, especially juries, as a rule, will not convict ex-rebels for offenses committed against Union men and freedmen; neither will they award judgments in favor of Union men and freedmen as against rebels. This is explicitly affirmed in nearly all the testimony before us. In one case wherein a white man had committed an offence against a freedman, the offender was brought to trial, found guilty, and, because he could not give bond, released; and when the agent of the Freedman's Bureau notified the magistrate that the law authorized committal in default of bail, the reply was, "you would not send a white man to jail for a nigger." In another case a freedman sued a white man, the judge ruled in favor of the freedman, but the jury, contrary to the law and the evidence, decided against him. The case was reversed by the Bureau. In another instance a white man brutally assaulted a freedman with intent to kill; he was arrested by the agent of the Bureau, turned over to the civil authorities, found guilty, and *fined one cent!* Such cases are frequent. In another county a freedman was tried for assault with intent to kill a white man, and the jury convicted him, when the facts proved on trial, as shown in the proceedings of the case, showed that the freedman was the assaulted and injured party. He was pardoned by Gov. Pease. A white boy, thirteen years old, was waylaid and shot and severely wounded by a man named Johnson, in Hopkins county. Said Johnson was arrested by the Sheriff, a loyal man, brought before Judge Mayberry, of the 8th Judicial District, found guilty of a simple assault, and fined ten dollars. The Sheriff of Hunt connty, a Union man, was resisted and shot whilst arresting a criminal; the said criminal was tried before the said Mayberry, bailed in a bond of six hundred dollars, and is now at large. In another county a rebel murdered a boy not fourteen years old; he was tried. and acquitted on the ground that he had lost an arm in the Confederate service. In another case a loyal man was assaulted with intent to kill by a rebel, and after being fired at once, shot and kill his adversary; he was promptly arrested and compelled to give bond for fifty thousand dollars. Another loyal man was assaulted with deadly weapons three times by a party of rebels; he made oath of the facts before the proper authorities, but to this day the said authorities have refused to arrest the criminals, though well known to the Sheriff.

The result of all this discrimination against Union men and freedmen is, that they have despaired of securing their rights by law. They feel that the courts are only employed as an engine for their oppression; and they would rather suffer their wrongs patiently than seek legal redress only to be mocked at for so attempting.

In other instances, where the officers of the law are disposed to do their duty, they are not sustained by the citizens. The people are sometimes afraid to aid in the enforcement of the laws, and they not unfrequently, on account of their sympathy with the criminals, positively refuse to do so. In a certain county a loyal sheriff called upon the citizens to assist him in arresting some criminals in town, and the citizens refused, saying, "Call on your nigger friends." Several officers have resigned their places because they cannot get the support of the people in the execution of the laws; many of the important offices in the State are now vacant because men either fear to accept them, or feel that they could not have the co-operation of the citizens; and we know of efforts being made to intimidate fearless and efficient officers from the discharge of their duties.

A very noteworthy fact developed by our investigations is the increase of crime within the last seven months. Witnesses from various parts of the State testify of increased bitterness against the Government and its supporters, and of the multiplication of crime during the last winter and spring; and official data confirm their testimony. This fact, we know, is persistently denied by Conservatives; and they claim, further, that, if true, it is to be charged against the present provisional State Government. They tell us that the offices of the State are in the hands of Radicals or military appointees, and that, therefore, the Republican officials of Texas are responsible for this increased lawlessness and disorder. To this we reply:

First. The powers of the provisional State government are very limited, and are exercised in subordination to the authority of the Commander of the Fifth Military District. The State government is without any militia or police whatever. It is dependent entirely on the spirit of the people themselves for the maintenance of order, and is utterly powerless of itself to enforce a single law. Either the citizens themselves must keep the peace, or the military must interfere and compel obedience, or there will be no peace. And we submit that, with such limited powers, and with such a spirit of lawlessness as dominates in Texas, and without the efficient co-operation of the military power, no government under the sun could preserve the peace of society.

Second. It is not true that the offices of the State are held by Republicans. Governor Pease qualified as Governor of Texas on the eighth of August, 1867. There were at that time 2,377 elective offices held by persons elected in 1866. Some time after this some changes, removals and appointments, were made by the military. These all, to the twenty-fourth instant, amount to 796. Of these 247 were made to fill vacancies, leaving 549 removals and appointments, and 394 of the appointees refused or failed to qualify—many of them declining for fear of assassination; in which cases the old incumbents continue to act; so that there are 1,975 of the elective offices in Texas in the occupancy of those elected in 1866, and only 402 in the possession of military appointees. There are 182 notaries public appointed by Governor Throckmorton still in office, and there are only twenty-seven who have been appointed by Governor Pease. It thus appears that only one-fifth of the officers in Texas to-day are loyal men. And yet some have the effrontery to hold this one-fifth responsible for the acts of the whole. But, certainly, if any responsibility at all rests upon the State government, it legitimately rests upon the large majority of Conservatives who hold the power of the State, and who, as we have seen, too frequently use that power for the protection of criminals. And,

Third. The only period of time in which the present administration of Texas could justly be said to have been Republican, was marked by the greatest amount of tranquility. That period was between the eighth of August, the date of Governor Pease's qualification, and the twenty-ninth of November, the date of General Hancock's assuming command of the District—about three months of 1867. In the three months of September, October and November, 1867, there were twenty-seven murders committed in Texas, as reported by the Freedmen's Bureau; that is to say, there were nine murders per month; whilst in the other nine months of the same year there were 160 murders committed in Texas, as reported by the same authority; that is to say, there were about eighteen murders per month—double the former number.

These simple statements are amply sufficient to refute the slander so frequently repeated by Conservatives, and to vindicate the present civil administration of Texas from all complicity in the increased lawlessness in the State.

But it is not difficult to fix the responsibility of this increase of crime. Previous to the succession of Gen. Hancock to the command of the Fifth Military District, there was some degree of respect for life in Texas. The numerous arrests of criminals by the military authorities, and the prospect of trial by military commissions inspired bad men with a salutary fear. But on the publication of General Orders No. 40 from Headquarters Fifth Military District, dated Nov. 29, 1867, a very different and a very turbulent spirit manifested itself throughout the State. That order was understood to proclaim the supremacy of civil law and the suspension of the military power, in the treatment of crime; and, hence, criminals who, as has been demonstrated, entertain very little fear of the civil courts, interpreted the said Order as a license for the perpetration of all manner of villainies. This was evidenced at the time by words and by the tone of the rebel press, and more forcibly ever since by unrestrained violence.

During the three months of Governor Pease's administration, aided and sustained by Generals Sheridan and Mower, and previous to the advent of General Hancock, the murders in Texas, as already seen, averaged nine per month. The number during the other months of the same year, averaged eighteen per month. And, confining our estimates to the records of the office of the Freedmen's Bureau, the number, since the first of December, 1867, has averaged thirty-one per month. During the first month of Hancock's administration, December, there were thirty murders reported by the Bureau. In other words, according to the lowest calculation, the *peace administration of Generals Hancock and Buchanan has to account for twice the number of murders committed under the Sheridan-Throckmorton administration, and three times the number committed under the Sheridan-Pease administration.*

Moreover, fuller reports show that since the policy of General Hancock was inaugurated, sustained as it is by President Johnson, the homicides in Texas have averaged fifty-five per month; and for the last five months they have averaged sixty per month. And it is for the Commander of the Fifth Military District to answer to the public for at least two-thirds of the 330, *or more, homicides committed in Texas since the first of December*, 1867. Charged by law to keep the peace and afford protection to life and property, and having the army of the United States to assist him in so doing, *he has failed.* He has persistently refused to try criminals, rejected the prayers of the Executive of the State and the Commanding General of the District of Texas for adequate tribunals, and turned a deaf ear to the cry of tried and persecuted loyalists. And, knowing whereof we affirm, and in the face of the civilized world, we do solemnly lay to his charge the death of hundreds of the loyal citizens of Texas—a responsibility that should load his name with infamy, and hand his very memory to coming years as a curse and an execration.

The obligations of the government and of the citizen are mutual and correlative. If true allegiance is rendered by the latter, ample protection is due from the former. And for, and in the name of the loyal whites and blacks in Texas, we do avow that we have been true and unwavering in our fidelity to the United States Government. In the face of persecution, in the face of social proscription, in the face of the halter, and in the face of every imaginable peril, we have stood firm in our devotion. If there be a people on earth who can rightfully claim the protection of Government, the loyalists of Texas certainly have that right; especially now that it is in the power of the Government to extend it, do they claim protection from the vengeance of those who still pursue them for their allegiance. But, let the responsibility rest where it may, we say it deliberately, *that protection has not been granted us.*

The Committee recommend the adoption of the following resolution:

That the President of the Convention be requested to forward a copy of this report to the President of the Senate and Speaker of the House of Representatives, to the end that Congress may afford such relief as, in their wisdom, we may be entitled to.

CALDWELL, Chairman.
WHITMORE,
SUMNER,
EVANS,
BLEDSOE,
COLE,
BELL,
Committee.

Mr. Hamilton, of Bastrop, moved a suspension of the rules, to allow consideration of report and accompanying resolutions.

Rules suspended.

Mr. Hamilton, of Travis, moved that one thousand copies of the report be printed, which was agreed to.

Mr. Hamilton, of Travis, asked consent of the Convention to make a report from the Judiciary Committee.

Consent given.

COMMITTEE ROOM,
July 1, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Your Committee on the Judiciary, to which was referred the resolution introduced by Mr. Lindsay in reference to providing that no bond shall be required of the State in suits to which the State may be a party, have instructed me to report the accompanying declaration:

A. J. HAMILTON,
Chairman.

Be it declared, by the delegates of the People of Texas in Convention assembled, That no bond shall be required of the State in any suit now pending, or which may hereafter be instituted, to which the State may be a party, as a condition for the issuance of any writ to which the State may be otherwise entitled, and that this declaration take effect and be in force from and after passage until the adopting of some constitutional provision regulating and controlling the subject.

The President announced the hour had arrived to take up the special order of the day, which was the report and resolution from the Committee on Commerce and Manufactures, exempting machinery from taxation.

Mr. Mullins offered the following amendment:

Amend as follows: After the word "purposes" insert the words "including the building and premises in and upon which the same may be situated, together with all necessary appliances for carrying it out successfully." Also, after the word "taxation" insert the words "and forced sale, except for purchase money and wages of operatives."

Mr. Mullins moved that the whole subject be recommitted to the Committee on Commerce and Manufactures.

Lost.

Mr. Hamilton, of Bastrop, moved to lay the amendment on the table.

Carried.

Mr. Bryant, of Grayson, moved that the report and resolutions of the Committee on Commerce and Manufactures be indefinitely postponed.

Upon which motion the yeas and nays were called for, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Bellinger, Bledsoe, Bryant of Grayson, Buffington, Cole, Constant, Degener, Downing, W. Flanagan, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Bastrop, Hamilton of Travis, Harris, Harne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Lieb, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Mundine, Munroe, Newcomb, Pedigo, Phillips of San Augustine, Rogers, Ruby, Schuetze, Scott, Smith of Marion, Sorrell, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—52.

Nays—Messrs. President, Bell, Board, Bryant of Harris, Burnett, Carter, Curtis, Evans of McLennan, Evans of Titus, Fayle, Flanagan, Foster, Goddin, Hunt, Kuechler, Morse, Mullins, Phillips of Wharton, Posey, Talbot, Varnell—21.

So the matter was indefinitely postponed.

The hour having arrived, the President announced the next business in order was the report of the Committee on Federal Relations, with accompanying resolution, ceding the county of El Paso to the United States.

Mr. Flanagan offered the following amendment to come in at end of resolution:

"And shall pay to the State of Texas one million of dollars for said cession."

Mr. Sumner moved to lay the amendment on the table. Motion withdrawn by consent.

Mr. Caldwell offered the following substitute to the original resolution and amendment:

Be it resolved, That the people of Texas, in Convention assembled, relying on the justice of the Congress of the United States to award to the people of Texas such compensation as Congress may deem adequate, do hereby cede the political jurisdiction and right of "public domain" over the county of El Paso to the United States; *Provided*, that the United States shall form a Territorial Government, of which the county of El Paso shall be a part.

Mr. Munroe moved to lay the whole matter on the table.

Upon which the yeas and nays were called, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong, of Jasper, Bell, Bellinger, Bledsoe, Board, Buffington, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Glenn, Hamilton of Bastrop, Harris, Hunt, Keigwin, Kendall, Kuechler, Kirk, Lippard, Mackey, Morse, Mullins, Munroe, Newcomb, Phillips, of San Augustine, Smith, of Galveston, Sorrell, Talbot, Thomas, Whitmore, Wilson, of Milam, Yarborough—37.

Nays—Messrs. Armstrong of Lamar, Brown, Bryant of Harris, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Fayle, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Travis, Harne, Johnson, of Calhoun, Jordan, Kealy, Leib, Lindsay, Long, McCormick, McWashington, Mills, Muckleroy, Mundine, Pedigo, Phillips, of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith, of Marion, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wright—45.

So the Convention refused to lay the matter on the table.

Mr. Degener moved to indefinitely postpone the consideration the subject.

Motion withdrawn.

Mr. Hamilton, of Bastrop, moved to commit the subject to the Committee on the Division of the State.

Mr. Mills moved the previous question upon the adoption of the report and resolutions offered by the Committee on Federal Relations.

Previous question seconded.

The question recurring, "shall the main question be now put?"

The yeas and nays were called for, and resulted thus:

Yeas—Messrs. Armstrong, of Lamar, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Fayle, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Travis, Johnson, of Calhoun, Jordan, Kealy, Kendal, Kirk, Lindsay, Long, McCormick, McWashington, Mills, Mundine, Pedigo, Phillips, of Wharton, Posey, Rogers, Ruby, Scott, Smith, of Marion, Stockbridge, Sumner, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wright—47.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Bell, Bellinger, Bledsoe, Buffington, Burnett, Degener, Downing, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Glenn, Hamilton, of Bastrop, Harris, Hunt, Keigwin, Kuechler, Leib, Lippard, Mackey, Morse, Mullins, Munroe, Newcomb, Phillips, of San Augustine, Schuetze, Smith, of Galveston, Sorrell, Thomas, Whitmore, Wilson of Milam, Yarborough—35.

So the main question was ordered.

The question recurring upon the second reading of the report and resolutions.

Mr. Flanagan moved a call of the House.

Call sustained.

Mr. Munroe moved that the Convention adjourn until to-morrow morning at nine o'clock.

Upon which the yeas and nays were called and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Bell, Bellinger, Degener, Evans, of Titus, Flanagan, Glenn, Hamilton, of Bastrop, Harris, Jordan, Kuechler, Mackey, Morse, Mullins, Munroe, Newcomb, Pedigo, Rogers, Ruby—20.

Nays—Messrs. President, Armstrong, of Lamar, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Coleman, Constant, Curtis, Downing, Evans, of McLennan, Fayle, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton, of Travis, Harne, Hunt, Johnson, of Calhoun, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Long, McCormick, McWashington, Mills, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey. Schuetze, Scott, Smith, of Galveston, Smith, of Marion, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson of Milam, Wright, Yarborough—62.

So the Convention refused to adjourn.

Mr. Hamilton, of Travis, moved a suspension of the call of the House.

Carried.

So the call of the House was suspended.

Mr. Flanagan moved a call of the House.

Call lost again.

On motion, the Convention adjourned until nine o'clock Monday morning.

CAPITOL, AUSTIN, TEXAS,
July 3, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the reception of the following communication from his Excellency E. M. Pease, Governor of Texas, transmitting communications from the Comptroller:

EXECUTIVE OFFICE,
AUSTIN, July 2, 1868.

HON. E. J. EAVIS,
President of the Covention:

SIR: I transmit, herewith, copies of two communications received at this office, from Geo C. Rives, Esq., the acting Comptroller of Public Accounts, concerning the finances of the State, which I request may be laid before the Convention.

Very Respectfully,
Your Ob't Servant,
E. M. PEASE.

COMPTROLLER'S OFFICE,
Austin, Texas, June 30, 1868.

HIS EXCELLENCY GOV. E. M. PEASE,

SIR: Referring to my letter of this date, you will readily perceive, that I took no note of the probable receipts from the General Land Office, and other sources of revenue, which in the aggregate would not amount to $7,000 per annum, nor did I take into account many appropriations likely to be made by the Constitutional Convention, or by the Legislature, should one assemble. This subject is a very serious one, and I beg that you will give it your consideration.

I have the honor to be,
Your ob't servant,
GEO. C. RIVES,
Acting Comptroller.

COMPTROLLER'S OFFICE,
Austin, Texas, June 30, 1868.

To His Excellency, E. M. PEASE,
Governor of Texas.

SIR: I beg leave, most respectfully to call your attention to the probable receipts and expenditures of the State Government during the period from July 1st, 1868, to July 1st, 1869, which shows that the treasury will, in all probability, be unable to meet the demands likely to be made upon it during the next twelve months.

STATEMENT.

Ordinary expenses of the State Government, (estimated)		$300,000
Appropriation for Penitentiary,		25,000
" for arresting Criminals,		25,000
Pay of officers of first Provisional Government,		15,000
Expense of Convention,		125,000
Total		$490,000
Expense of Legislature,		160,000
Total		$650,000
Cash on hand, say	$200,000	
Amount likely to be derived from taxation by 1st of July, 1869, (estimated)	375,000	
Total		$575,000
Leaving a deficit, say of		75,000

Should the Convention levy a tax to reimburse the Treasury for the amount drawn in its behalf, and if it should be paid into the treasury during the next twelve months, then, we may hope to have a small balance on hand July 1st, 1869, otherwise I see no way of keeping the treasury in funds.

I have the honor to be,
Your most ob't serv't,
GEO. C. RIVES,
Acting Comptroller.

Mr. Evans, of McLennan, offered the following declaration:

Be it declared, that the following shall be a section of the new Constitution of Texas:

SECTION —. From and after the year 1870, Waco, McLennan county, Texas, shall be the Capitol of the State of Texas; and that the University fund of Texas, shall be equally divided, and increased double its present amount by the Legislature of Texas, and two Universities established, the one at Tyler, Smith county, Texas, the other at San Antonio, Bexar county, Texas.

On motion, the declaration was referred to the Committee on State Affairs.

Mr. Hamilton, of Bastrop, offered the following resolution:

Resolved, That Brevet Maj. Gen. J. J. Reynolds, commanding the District of Texas, be and is, hereby respectfully requested to cause the Comptroller of Public Accounts of Texas, to prepare and transmit for the use of this Convention the following statements and information, to-wit:

1st Statement—showing the assessment of taxes in each county in the State, for the year 1867.

2nd. Estimate of cost of collection of taxes under existing laws.

3d. Amount collected upon assessment for 1867.

4th. Statement of the different accounts, showing the receipts from the 4th of September, 1867, and the balances in the different kind of funds standing as credits of each account on 31st of May, 1868.

5th. Statement of warrants drawn by the Comptroller upon the Treasurer, during the period commencing September 4th, 1867, and ending with May 31st, 1868.

6th. Statement of public debt.

7. Reports of Railway companies made to comptroller under act of February 7th, 1853.

8th. Statement showing the present indebtedness of each Railroad Company, to the State, and also what amount of interest has been paid, when, in what kind of funds paid, and amounts remaining unpaid.

9th. Statement of amounts paid for Asylums, from their establishment to June 1st, 1868, and in what kind of funds paid.

10th. Statement of amounts paid for Penitentiary from its establishment to June 1st, 1868, and in what kind of funds paid.

11th. Statement, showing the amount and character of funds paid for School Lands during the existence of the rebellion.

Mr. Hamilton, of Bastrop, moved a suspension of the rules, for consideration of the resolution.

Rules suspended.

Resolution read a second time, and agreed to.

Mr. Hamilton, of Bastrop, moved a further suspension of the rules, to put resolution on its final passage.

Rules suspended, resolution read a third time and passed.

Mr. Sumner offered the following resolution:

Resolved, That hereafter, no member of this Convention shall be allowed to speak over thirty minutes at one time, without the consent of a majority of all members present.

Mr. Sumner moved a suspension of rules to consider resolution.

Rules suspended, and resolution agreed to.

Mr. Smith, of Galveston, offered the following declaration and asked its reference to Judiciary Committee:

Be it declared, that any discrimination made by court officers in the selection of jurors, on account of race or color, shall be deemed a misdemeanor in office, and punishment by fine and imprisonment, and that this Convention require this principle to be incorporated in the Constitution.

Referred to the Judiciary Committee.

Mr. Fayle offered the following preamble and resolutions:

WHEREAS, The fragments of rebel usurpation within this State are so violent in their antipathies to the United States Government, and so hostile to the Reconstruction Acts of Congress that, notwithstanding all the magnanimity and forbearance of the Government towards them, they are still arrayed in strong opposition, endeavoring to thwart and, if possible, defeat the measures of Congress for the reconstruction of the State, and its restoration to a place in the general Government; and

WHEREAS, From all the facts before us, there is evidently a wicked combination of the old secession rebel elements to defeat by force and fraud the organization of a civil government in loyal hands within this State, or, if unable to defeat, seeking to control; and

WHEREAS, The military power in the limits of the State, at the disposal of the Commanding General, is altogether inadequate for the protection and defense of the loyal and peaceable portion of the citizens thereof, and this to such an alarming extent as to leave some sections almost in a state of anarchy, and threatening the entire State with the direst oppression and misrule; and

WHEREAS, There is no likelihood of any sufficient force being sent into the State, such as would meet the exigencies of the case, or if sent could arrive in time to accomplish the desired results of preserving peace and giving protection; and

WHEREAS, The loyal citizens of this State are a law-abiding, order-loving people, and willing and able to defend themselves, if it could be done under the sanction of and in accordance with law. Yet inasmuch as the greater part of the offices in the State are in the hands of rebels and devoted adherents to the lost cause, and are backed up by the lawless and violent of their respective communities, there is, under the present administration of affairs, no redress; and

WHEREAS, Under such circumstances, there can be no true election by the people—the malicious and revengeful spirit of the enemies of the United States Government have inaugurated a reign of terror, such as existed in the year 1860, thereby allowing no just expression of the public will—no fair choice to be made by the people;

AND WHEREAS, The Reconstruction Acts positively require of this Convention not only that they should "frame a Constitution, Republican in its principles," but make it their imperative duty to "establish a civil government loyal in its character," specifying only that the members of the Legislature be elected directly by the people; leaving all other matters pertaining to the offices and machinery o the State government to be regulated by, and as may seem best to this body, and in conformity to the exigencies and condition of things.

Therefore be it resolved, That this Convention do hereby appoint a committee of seven of its members, representing the different parts of the State, whose duty it shall be to select and appoint the entire executive officers of the State, to serve during the first term, as required by the Constitution framed by this Convention, and to take their seats upon its acceptance by Congress.

FAYLE.

On motion it was referred to the Executive Committee.

Mr. Hunt, of Comal, offered the following declaration:

WHEREAS, Corrupt means have been heretofore used in this State to obtain charters and special privileges, monopolies having thereby been created in the interest of a favored class, including political speculators and demagogues, who have used their franchise to subserve and strengthen party cliques, to the detriment of the welfare of the community at large.

Be it therefore declared by this Convention, That no charter shall hereafter be granted by any further Legislature, having for its object the development of the resources of the State, or improvement of the country in any way, without the party or parties who apply for such charter or privilege shall first give full and sufficient security of ability to carry out to successful completion the right or privilege desired.

Granted.

On motion the declaration was referred to the Committee on State Affairs.

Mr. Harne offered the following resolution.

Resolved, That the Judiciary Committee be instructed to report by declaration or otherwise, the propriety of defining the qualification of grand and petit jurors, so that all persons of good moral character, who are qualified electors, shall be competent jurors.

On motion, the resolution was referred to the Judiciary Committee.

Mr. Kealy offered the following resolution:

Resolved, That each county of the State shall make provisions for the poor of their respective counties, by purchasing three hundred and twenty acres of land, convenient to the county site of such county, and erect suitable buildings for the accommodation and care of said poor persons, who may become charges on any of said counties, and said lands be brought into cultivation for the support of said poor persons; said land and buildings not to exceed in value the sum of five thousand dollars, unless by a two-third vote of the legal voters of said counties. All the necessary appointees to superintend and carry out the purchase of land, erect buildings, etc., shall be left to the convening of the next sitting of the State Legislature; who shall, at their session, make all the necessary preliminaries to carry the same into effect.

On motion, the resolution was referred to the Committee on State Affairs.

Mr. McCormick asked leave of absence for Mr. Vaughan until next Wednesday.

Leave granted.

Mr, Evans, of McLennan, asked leave of absence for Mr. Patten, until next Monday.

Leave granted.

Mr. Evans, of McLennan, in the Chair.

Mr. Davis, of Nueces, offered the following rosolution:

Resolved, That this Convention selects Messrs. M. C. Hamilton and C. Caldwell, members of this body, as a committee, with instructions to proceed to Washington without delay, and lay before Congress the condition of lawlessness and violence prevalent in this State, and urge the immediate necessity for action on the following matters:

First. The adoption of some law or regulation that will secure the filling of all State Provisional officers with competent and loyal incumbents.

Second. The organization of a loyal militia, to be placed under the direction and control of the loyal Provisional authorities of Texas.

Laid over one day under the rules.

The President announced that the hour had arrived to take up the business made the special order of the day, for ten o'clock this day, which was upon the substitute offered by Mr. Hamilton, of Travis, for the report and resolutions offered by the Committee on the Division of the State.

Mr. Hamilton, of Travis, asked leave of absence until Monday next.

Leave granted.

On motion, the Convention adjourned until Monday morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 6, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Cole made a minority report from Special Committee on Lawessness and Violence, as follows:

To the Hon. E. J. DAVIS,
President of the Convention:

The undersigned, one of the Special Committee on Lawlessness and Violence, while admitting the correctness of the figures in the committee's report, made on June 30, ult., respectfully dissents from the comments and conclusions of the committee, as set forth in said report, and asks that this dissenting report be spread upon the journal of the Convention.

Respectfully submitted,
COLE, of Hopkins.

Mr. Burnett moved the suspension of the rules, to allow Committee on Public Lands to report.

Rules suspended.

Mr. Lippard, from Committee on Public Lands, reported as follows:

COMMITTEE ROOM,
July 3, 1868.

To the HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Public Lands, to whom was referred the following bills, to-wit:

A bill by Mr. Carter, bearing date June 23, 1868;

A bill by Mr. Pedigo, bearing date June 24, 1868;

A bill by Mr. Lindsay, bearing date June 26, 1868;

And a bill by Mr. Patten, bearing date June 29, 1868;

have had the same under consideration, and after a thorough examination of said bills, are of opinion that they more properly belong to a strictly legislative body, and cannot be entertained by this Convention. Said bills are herewith returned with a recommendation that they be rejected by the Convention. The Committee will, so soon as possible, report articles, to be a part of the Constitution, authorizing the Legislature to pass such bills as will supply the want now felt.

The Committee would respectfully suggest and recommend to the Convention, that the Secretary of the Convention be instructed to number each bill presented to the Convention, believing thereby to facilitate the work of the Convention.

J. H. LIPPARD,
Chairman Committee on Public Lands.

Mr. Burnett offered the following minority report:

COMMITTEE ROOM,
July 6, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The undersigned, of the Committee on Public Lands, dissent from so much of the report of said committee as reports back, and recommends the rejection of the declaration offered by Hon. H. C. Pedigo, with reference to the relinquishment, by the State, of all her right to minerals, etc.; and we respectfully recommend the adoption of the declaration for the following reasons, to-wit:

The majority of the committee, in their report, style the said declaration as legislative, and without reference to the merits or policy of the measure, suggest that it would more properly come before the Legislature; but we are of opinion that the declaration is fundamental in its character, and is a proper matter to be incorporated among the provisions of our organic law.

The reservation, by the State, of all minerals beneath the surface of the earth, had its origin in the days of darkness and barbarism; it was the principle of the common law of England, and also obtained in the civil and the Spanish law, from the latter of which it became a general principle in our own law. It was incorporated into our statutory law in 1837, in the days of the Republic, and it has been held that this special recognition of the doctrine was only declaratory of the existing law, and that the general principle was applicable to all grants of land by the State; so it may now be unquestioned that the State has a legal claim to all salt springs, gold and silver mines, copper, lead, and other minerals beneath the surface of all lands granted by the State.

While such reservation may be suited to governments which recognize the "Divine right of kings," yet we believe it is dictated by a narrow and arbitrary spirit, and is totally at variance with the genius of free Republicanism. We believe our government has derived no substantial benefit from the reservation; but, on the contrary, that its effect has been, and will continue to be, to retard the development of the great mineral wealth of the State, of which we have so often justly boasted, and to which we confidently look as a source of future wealth and prosperity. It seems to us it would be better for the State to relinquish all her claims to these minerals, which would encourage the rightful owners of the soil to rapidly develop the mineral resources of the country; and in the increase of taxation arising from the enhanced value of the lands, etc., the State would be fully compensated for the relinquishment. We believe the adoption of the declaration would be in keeping with the enlightened and liberal spirit of this age of progress and improvement, and that it would redound to the interest of the State and the whole people.

Respectfully submitted,
JAMES R. BURNETT,
SAM. W. JOHNSON,
Of Committee on Public Lands.

Mr. Lippard, from the same committee, made the following report upon the resolution of Mr. Yarborough:

COMMITTEE ROOM,
AUSTIN, July 3, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Public Land, to whom was referred a resolution offered by Mr. Yarborough, have had the same under consideration, and have the honor to report the following:

A statement from the General Land Office, appended to the report of the late Attorney General, shows that Capt. Stephen Crosby, late Commissioner of the General Land Office, is a defaulter to the extent of $17,839 34 in coin. Of this aggregate amount $3,766 10 appears to be due individual depositors, and $14,073 24 the State. Individual depositers have to look to the ex-Commissioner alone, who they voluntarily made their banker for their deposits.

So far as the State is concerned, it can and ought to recover against him and sureties.

Your committee are clearly of opinion that in no case should any deposit made during rebel rule be treated as legal and valid. They are unable to perceive why persons who aided and abetted the rebellion should be permitted to take advantage of their own wrong, and claim now to be insured by a loyal convention against losses incurred through the defalcation of a rebel State officer.

They hold that in justice they can go no further than to concede that in case a recovery is had against Capt. Crosby and his sureties, the amount recovered should be credited to those by whom it was deposited, provided their deposits were made prior to February 1, 1861.

Your committee are not convinced that such a number of "widows and orphans" made deposits prior to the date specified, as to warrant their being made the entering wedge for breaking into the treasury in the manner and to the extent contemplated by the resolution under consideration.

For the foregoing and other reasons they recommend that the resolution do not pass.

J. H. LIPPARD,
Chairman Committee on Public Lands.

Mr. Newcomb offered the following declaration, and asked its reference to the Committee on General Provisions:

Be it declared, by the People of Texas in Convention assembled, That the following shall be a section in the Constitution of this State:

SECTION.—All children born in this State out of wedlock are legitimate for all purposes of law and fact, and it shall be the duty of the Legislature to pass an act enabling such persons to inherit the estates of their parents and to enforce all the obligations of parent to child.

Referred to Committee on General Provisions.

Mr. Smith, of Galveston, offered the following as proposed sections to the Constitution and asked its reference to the Executive Committee.

SECTION.—There shall be elected by the qualified voters, at stated periods, fixed by law, a Comptroller of Public Accounts and a Treasurer, who shall hold their offices until their successors are qualified.

SEC.—The Comptroller shall be the chief fiscal agent of the State, shall have a salary equal to the Governor of the State, and shall have the power to nominate, through the Governor, to the Senate for confirmation, all assessors and collectors of taxes for the several counties; and to suspend or remove from office, for incompetency, neglect of duty or malfeasance in office, and to appoint their successors, subject to the action of the Senate.

Referred to the Executive Committee.

Mr. Evans, of McLennan, offered the following declaration:

WHEREAS, the people of Texas, on the — day of —— A. D., 1861, were in the enjoyment of, submitting to and abiding by, a good and lawful State government, Republican in form, to wit: a

State constitution, framed by delegates in convention assembled, of date August 27th, A. D. 1845, and which had been duly accepted by the Congress of the United States of America, of date December 29th, A. D. 1845, and laws made in pursuance thereof; and whereas, to wit: on the —— day of February, A. D. 1861, a portion of the people of Texas did make an abortive attempt to overthrow the aforesaid State constitution of A. D. 1845, and to transfer their allegiance from the United States of America to another government; and whereas, said attempt to overthrow the said State government and to transfer their allegiance to another government engendered a conflict of arms; and whereas in said conflict of arms all civil State government in Texas was lost; and whereas the Congress of the United States of America has graciously permitted the people of Texas to meet in convention to frame a State constitution and civil government in Texas; therefore, we, the delegates of the people of Texas, in their name and for them, do declare that the constitution of A. D. 1845, with the following additions, subtractions, changes and alterations, shall, whenever accepted by the Congress of the United States. be the State constitution for the people of Texas.

[*Additions, subtractions, changes and alterations, noted according to the constitution as found printed in Oldham and White's Digest.*]

1. In section 1, article 3, line four, strike out "Republic" and insert "State;" in line six, strike out "Africans and descendants of Africans."

3. In article 3, section 2, strike out entire section.

4. In article 3, section 6, line three, strike out "Republic" and insert "State."

5. In article 3, section 11, line three, strike out word "Republic" and insert word "State."

6. Arrange article 3, section 29 and 30, according to report of Committee on Apportionment.

7. Arrange Article 3, Section 32, according to report of Committee on Apportionment.

8. In Article 3, Section 3, strike out all of said section after the word "government" in line three.

9. In Article 3, Section 34, line two, strike out "three" and insert "six," and in line "three" strike out "three" and insert "six."

10. Strike out Section 35, Article 3, entire, and insert in stead thereof as follows: The city of ———, shall be the Capitol of Texas, for a period of twenty years, commencing in 1870, and until otherwise located by the people.

11. In Article 4, Section 2, line one, strike out "two" and insert "four."

12. Article 4, Section 5, strike out entire and insert

Section 5. The Judges of the Supreme Court shall be elected by the qualified electors of the State, and they shall hold their offices for a period of four years.

13. In Article 4, Section 6, line two, strike out the word "appointed" and in three strike out "twice" and insert "three" times.

14. In line two, Section 7, Article 4, strike out the words "two thousand" and insert "four thousand" and in line three strike out the words "seventeen hundred and fifty" and insert "three thousand."

15. In Article 4, Section 11, lines one and two, strike out the words "who shall be elected by the qualified voters for members of the Legislature," and insert "who shall be appointed by the District Judge of the District," and in line three after the word "by" insert "the District Judge;" in line five after the word "clerk" strike out the section and insert "to fill the vacancy."

16. Strike out Section 12, Article 4 and insert

Section 12. There shall be elected by the qualified electors of the State, an Attorney General, and a District Attorney for each Judicial District, who shall hold their offices for four years, and said Attorney General shall receive a salary of four thousand dollars annually; and the said District Attorneys the sum of one thousand dollars each annually, and such perquisites as may be fixed by law.

17. In Article 4, Section 13, line two, strike out the word "sheriff" and in line five strike out the word "sheriffs" and strike out the last sentence, and insert in its stead, The District Judges shall appoint one sheriff for each county in his District, who shall hold his office for four years, subject to removal by the District Judge, and by indictment and conviction.

18. In Article 5, Section 4, line one, strike out "two" and insert "four;" and in line three strike out the words. "for more than four years in any term of six years," and insert "to re-election."

19. In Article 5, Section 5, line three, strike out "two" and insert "four."

20. In Article 15, Section 13, line eight, strike out the words "the Lieutenant Governor," to the words "House of Representatives and no more," and insert "The Lieutenant Governor shall receive such salary, as by law may be fixed, and he shall receive the sum of two thousand dollars annually, until fixed by law."

21. In Article 7, section 6, add the following sentence: And any ballot or vote, cast for any person who by the laws of the United States or this State, is ineligible to the office for which he is voted

for, shall be deemed and held null and void; and the person or persons who are eligible and having the greatest number of votes, shall receive the certificate or evidence of election.

22. In Article 7, Section 22, line four, after the word lots, insert the words "excluding improvements;" and in line five, strike out the word "hereafter."

23. Strike out entire Article 7, Section 27, and insert

Section 27. Taxation shall be equal and uniform throughout the State. All property shall bear tax in proportion to its value, to be ascertained by law, except such property as the Legislature may by a two-third vote of both Houses exempt; And the Legislature shall have power to levy trade, income, occupation and profession taxes. And all lands in Texas upon which the taxes, state, county, corporation or railroad, shall not be paid at any time for three consecutive years, shall forfeit *ipso facto* to the State of Texas, for the use and benefit of the county where situated, and for school purposes; and the Legislature shall, at its first session, make and keep in force laws under which all forfeitures of land shall be declared in the courts of the country.

24. In Article 7, Section 36, strike out the entire section and insert the following:

Section 36. The County Courts for Police purposes, or other officers exercising the functions now exercised by said court, shall have power to pledge the faith and credit of their respective counties to aid in the construction of railroads, or other internal improvements, in the form of bonds or subscriptions. And they shall have the power to assess and collect a tax on all the taxable property in the county, not to exceed two per cent. annually upon the value of the property.

25. Add the following section:

Section 37. All forced sales of real estate in Texas, by sheriffs, marshals, assessors and collectors, assignees in bankruptcy, constables or other officers, administrators and executors, for the purposes of paying debts of decedents, and by guardians of minors, shall be made in parcels not less than 20 or more than 100 acres; And the Legislature at its first session shall provide for the division of land sold by the officers selling.

26. Strike out Article 8, entirely.

27. Strike out Article 11, entirely.

Mr. Evans, of Titus, offered the following resolution:

Resolved, That the Special Committee on Lawlessness and Violence be instructed to produce to the Convention, or to any member of the Convention who may desire to examine the same, all the testimony on which the report of June 30 is based, especially:

First. The records of the State Department, particularly the official reports of the clerks of the District Courts.

Second. The records of the Freedmen's Bureau.

Third. The sworn statements of the witnesses.

Mr. Evans, of Titus, moved the suspension of rules, to allow consideration of resolution.

Convention refused to suspend rules.

Mr. Smith, of Galveston, offered the following, and asked its reference to Committee on General Provisions.

SECTION —. That all ordinances and resolutions passed by any Convention of the people, and all acts and resolutions of any Legislature conflicting or inconsistent with the Constitution of the United States and the statutes thereof, and with this constitution, and in derogation of the existence or position of this State as one of the States of the United States of America, are hereby declared null and void from the beginning.

Referred to Committee on General Provisions.

Mr. Thomas offered the following resolution:

Resolved, That the Secretary be instructed to discontinue all newspapers heretofore ordered for the use of this Convention, except 500 copies of the Austin Daily Republican, which he is authorized to continue at a cost not to exceed ten cents for each number.

Mr. Evans, of McLennan, in the Chair.

Mr. Davis, of Nueces, asked a suspension of the rules to take up resolution respecting the sending of Mr. Hamilton, of Bastrop, and Mr. Caldwell to Washington.

Rules suspended.

Mr. Davis offered the following amendment to the original resolution:

Amend by inserting at the end of the original resolution:

Third. The appointment, by this Convention, of Registrars of Voters previous to the coming election.

Fourth. Such other matters as may be referred to the action of Congress, by this Convention.

Fifth, That the sum of eight hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any funds at the disposal of this Convention, to pay the expenses of travel of said committee, in going to and returning from Washington.

Mr. Sumner moved the adoption of the amendment.

Seconded.

Mr. Caldwell moved that Mr. Evans, of Titus, be permitted to occupy the floor thirty minutes over the time allowed by the rules.

Leave granted.

Mr. Wright moved the special order of the day, at ten o'clock, be postponed until after the consideration of resolution before the Convention.

On motion the rule as to the regular hour of adjournment was suspended.

On motion the Convention adjourned till four o'clock this afternoon.

FOUR O'CLOCK P. M.

Roll called. Quorum present.

The question recurred upon the adoption of the amendment, upon which the yeas and nays were called, and resulted as follows:

Yeas—Messrs. Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant, of Grayson, Bryant, of Harris, Burnett, Carter, Coleman, Constant, Curtis, Degener, Evans, of McLennan, Fayle, Fleming, Foster, Gray, Grigsby, Hamilton, of Bastrop, Hamilton, of Travis, Harne, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Munroe, Newcomb, Patten, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wright, Yarborough—62.

Nays—Messrs. Adams, Armstrong, of Jasper, Board, Cole, Evans, of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Keigwin, Kirk, Muckleroy, Mullins, Sorrell—14.

So the amendment was adopted.

Mr. Armstrong, of Lamar, moved to amend by adding the name of Mr. Whitmore.

Mr. Burnett moved to lay the amendment on the table, upon which the yeas and nays were called and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Bellinger, Bledsoe, Bryant of Grayson, Burnett, Carter, Cole, Coleman, Constant, Curtis, Fayle, Foster, Gaston, Glenn, Grigsby, Hunt, Johnson of Harrison, Keigwin, Kendal, Lindsay, Lippard, Long, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Sumner, Talbot, Thomas, Varnell, Williams, Wilson of Brazoria, Wright, Yarborough—43.

Nays—Messrs. President, Armstrong of Lamar, Bell, Board, Brown, Caldwell, Degener, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gray, Hamilton of Travis. Harris, Harne, Johnson of Calhoun, Jordan, Kealy, Keuchler, Kirk, Leib, McWashington, Mundine, Patten, Pedigo, Rogers, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Watrous--33.

So the amendment was laid on the table.

Mr. Sumner moved the previous question upon the adoption of the resolution.

The question recurring, "shall the main question be now put?" the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant, of Grayson, Bryant, of Harris, Burnett, Carter, Constant, Curtis, Degener, Evans, of McLennan, Fayle, W. Flanagan, Fleming, Foster, Gray, Grigsby, Hamilton, of Travis, Harne, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy,. Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Newcomb, Patten, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson, of Brazoria,, Wright, Yarborough—63.

Nays—Messrs. Adams, Armstrong, of Jasper, Board, Cole, Evans, of Titus, Flanagan, Gaston, Glenn, Harris, Keigwin, Kirk, Mullins—13.

So the main question was ordered.

The question recurred upon the engrossment of the resolution as amended, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Burnett, Caldwell, Carter, Coleman, Constant, Curtis, Degener, Evans of McLennan, Fayle, Fleming, Foster, Gray, Grigsby, Hamilton of Travis, Harne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—63.

Nays—Messrs. Adams, Armstrong of Jasper, Board, Cole, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Keigwin, Kirk, Muckleroy, Mullins—14.

So the resolution as amended was ordered to be engrossed.

Mr. Johnson, of Calhoun, moved a suspension of rules, to put resolution upon its final passage.

Carried.

Resolution as amended was read a third time. The yeas and nays being called for resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger. Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Coleman, Constant, Curtis, Degener, Evans of McLennan, Fayle, Fleming, Foster, Gray, Grigsby, Hamilton of Travis, Harne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—63.

Nays—Messrs. Adams, Armstrong of Jasper, Board, Cole, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Keigwin, Kirk, Muckleroy, Mullins, Sorrell—15.

So the resolution was passed.

On motion the Convention adjourned until nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
July 7, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Hamilton, of Bastrop, Chairman of the Committee on General Provisions, made the following report:

Committee Room,
Austin, July 7, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Sir: Your Committee, to whom the following resolutions and declarations have, from time to time, been referred, to wit:

No. 1. For the relief of ministers of the Gospel from the political disabilities imposed by the Constitution—Rogers.

No. 2. Asking the formation of a new county—Armstrong, of Lamar.

No. 3. Asking that the Legislature be restrained from legislating on the social status of citizens—Burnett.

No. 4. Upon the establishment of a geological bureau and survey of the State—Lindsay.

No. 5. Proposing the removal of political disabilities on account of participating in the rebellion after the year 1880—Fayle.

No. 6. Requiring the Sabbath day to be fully recognized by law, and its observance enforced—Leib.

No. 7. Asking that the statutes of limitations be declared suspended during the rebellion—Phillips, of Wharton.

No. 8. Asking imprisonment for debt to be prohibited—Harn.

No. 9. Taxation and forfeiture of lands for non-payment of taxes thereon—Evans, of McLennan.

No. 10. Forced sales of lands to be offered in small lots—Evans, of McLennan.

Have had the same under careful consideration, and are unanimous in declining to act upon the first six, as nnmbered above; and I am instructed to report the same back with the recommendation that they do not pass or find a place in the Constitution of the State. Your Committee are equally unanimous as to the propriety of inserting in the general provisions of the Constitution the four last named, from 7 to 10, inclusive. All of which is respectfully submitted.

M. C. HAMILTON,
Chairman of the Committee on General Provisions.

Mr Pedigo, Chairman of the Special Committee on Political Disabilities, offered the following report and accompanying resolution:

COMMITTEE ROOMS,
July 7, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Your Committee on Political Disabilities have the honor to report that they have had under consideration the application of many persons, citizens of this State, for relief from political disabilities, and herewith submit, as the result of their deliberations, the accompanying memorial and resolution, and ask their adoption by this Convention:

H. C. PEDIGO,
Chairman.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES:

Your memorialists, the people of the State of Texas in Convention assembled, would respectfully represent and set forth that the following named persons, who are all resident citizens of the State of Texas, to wit: James H. Bell, R. K. P. Record, S. S. Nichols, C. B. Way, S. W. Ford, T. Douglass Rock, J. G. Bell, B. L. Cheek, F. Palm, A. Rejan Brocht, F. A. Engleker, H. Miller, John Pace, J. H. Christmans, M. Priest, James M. Crosson, A. J. Burke, Jr., Edward T. Randall, J. Douglass Brown, R. C. Dunn, Martin W. Wheeler, B. W. Gray, A. M. Bryant, Robert H. Taylor, A. P. McCormick, D. E. E. Braman, A. P. Wiley, Wm. H. Fleming, Wm. H. Johnson, Nathaniel W. Towns, Sam F. Moseley, Benjamin Saunders, R. S. Hunt, William Henderson, Jr., Joshua F. Johnson, Mark Caudle, Clement Dixon, Henry W. Gains, D. H. Beardin, W. W. Giddens, J. L. Riddle, John H. Beatty, J. C. C. Winch, A. M. Kleiber, William A. Daly, George M. Patrick, G. M. Mooring, Franklin Brigance, John H. Wilson, Orville B. Caldwell, H. J. Jones, A. G. Perry, W. B. Lewis, John E. George, Wm. Hooks, Henry C. L. Keith, A J. Smythe, H. J. Herrington, Stacy Collins, Jeremiah Harrison, R. H. Leonard, William W. Wallace, Francis H. Dixon, Geo. W. O. Bryan, Isaiah Junker, J. K. McCreary, William J. Phillips, James G. Hunt, John A. Bagby, William A. Ellett, Douglass Reeves, J. L. Carrol, John Herring, Thomas Stern, H. E. Bradford, E. A. Hendsaldt, C. G. Hall, A. B. Dodd, Thomas C. Smith, Erwin Wilson, B. W. Bradley, S. Bostick, Geo. W. Hobson, J. B. Morgan, Abram B. Pedigo, G. W. Guess, A. Cochran, John Chapman, Ansel Dowdy, S. C. Atterberry, W. A. Bledsoe, Perry Taylor, Lewis Taylor, Thomas Alred, John Fain,

J. T. Stanley, C. C. Binkly, Nat. Raymond, Robert Zapp, Harvey Young, C. A Brooks, W. B. Tarver, Samuel R. Evans, Ed. A. Burke, J. W. Johnson, C. C. Nash, James Moore, H. M. Barnheart, W. H. Burkhart, are gentlemen of good moral character and honorable deportment; patriotic and loyal in sentiment, devoted to the Union, and firm supporters of the reconstruction policy of Congress; that they have talent and intelligence fitting them for positions of usefulness and honor; but that they, on account of having participated in the late rebellion, in many cases against their inclination and better judgment, and because they previously held office as contemplated by the Fourteenth Amendment to the Constitution of the United States, are subject to the disabilities mentioned in said Fourteenth Amendment; wherefore, your memorialists pray that all disabilities now imposed by law upon the persons aforesaid, be by law removed, and as in duty bound, &c.

Be it resolved by the people of Texas, in Convention assembled, That the accompanying memorial, presented by the Committee on Political Disability, be adopted as the action of this Convention; that Congress be requested to relieve the persons aforesaid of said disability mentioned in said memorial; that certified copies of said memorial and this resolution be transmitted to the Congress of the United States, signed by the President of this Convention and attested by the Secretary.

Mr. Hamilton, of Travis, moved that the rules be suspended to take up report and resolution.

The yeas and nays being demanded, resulted thus:

Yeas—Messrs. Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant, of Harris, Buffington, Burnett, Caldwell, Carter, Constant, Downing, Evans, of McLennan, Fayle, Fleming, Foster, Gray, Grigsby, Hamilton, of Travis, Harne, Johnson, of Harrison, Johnson, of Calhoun, Kealy, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Morse, Munroe, Newcomb, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Scott, Smith, of Galveston, Stockbridge, Thomas, Varnell, Watrous, Wilson of Brazoria, Wright.—48

Nays—Messrs. President, Adams, Armstrong of Jasper, Board, Cole, Coleman, Curtis, Degener, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Hamilton, of Bastrop, Harris, Hunt, Keigwin, Kirk, Muckleroy, Mullins, Oaks, Patten, Schuetze, Slaughter, Smith, of Marion, Sorrell, Sumner, Whitmore, Williams, Wilson of Milam, Yarborough—31.

So the motion to suspend was lost.

Mr. Ruby offered the following declaration:

ARTICLE 1. The citizens of the city of Galveston shall have the right of appointing the several public officers necessary for the administration of the police of said city pursuant to the mode of elections, which shall be provided by the Legislature. Provided, That the Mayor and Recorder shall be commissioned by the Governor as Justice of the Peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor offenses and as the police and good of said city may require.

ART. 2. The city of Galveston shall maintain a police force, which shall be uniformed at the expense of said city, to consist of citizens, without distinction of color, of the State of Texas, to be selected by the Mayor of said city, and to hold office during good behavior, and only removable by a Police Commissioner, appointed by the Governor of the State, for the term of two years, at a salary not less than nine hundred dollars per annum, a majority of whom shall remove for delinquencies members of the police, who when removed shall not again be eligible to any position on the police for the term of one year. Provided, That all offices connected with the police shall be vacant thirty days after the election of Mayor on the adoption of this constitution.

ART. 3. Interfering or meddling in any manner with elections, except the right of being a candidate or voting, will be sufficient cause for instant dismissal from the police by the Board.

ART. 4. The various officers shall receive a salary not less than the following rates, viz:

The Chief of Police	$200	per	month.
Sergeants	125	"	"
Corporals	110	"	"
Privates—day and night	100	"	"

All of the above mentioned officers shall give good and solvent security, as the law may direct, for the faithful performance of their duties.

ART. 5. In case of riot or insurrection the Governor shall have power to order or assume command of the police of the said city for police or military duty, as the emergencies may require, not exceeding fifteen days at any one time.

On motion, the declaration was referred to the Committee on State Affairs.

Mr. Lindsay moved a suspension of rules to allow consideration of report of Judiciary Committee upon the resolution offered by Mr.

Lindsay, requiring that no bond be given by the State in any suit pending, &c., &c.

Mr. Degener moved the previous question upon the passage of the resolution.

Previous question seconded.

The question recurred, "shall the main question be now put?"

The main question was ordered.

Resolution read a second time and agreed to.

Rules further suspended.

Resolution read third time and passed.

Mr. Degener moved a suspension of rules to take up the report of the Committee on Division of the State, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong, of Lamar, Bledsoe, Bryant, of Harris, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Hamilton, of Bastrop, Harne, Hunt, Johnson of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Slaughter, Smith, of Marion, Varnell, Whitmore—36.

Nays—Messrs. Armstrong, of Jasper, Bell, Bellinger, Board, Brown, Cole, Constant, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Keigwin, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Smith, of Galveston, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Watrous, Williams, Wilson, of Brazoria, Wilson of Milam, Wright—40.

So the motion to suspend the rules was lost.

The President announced the business in order was a report and declaration from the Committee on Internal Improvements, upon the resolution of Mr. Caldwell, respecting the "International Railroad Company."

Mr. Evans, of McLennan, offered the following substitute to the original declaration:

Be it declared by this Convention, Whereas, there is now pending before the Congress of the United States an act to aid in the construction of the International Pacific Railroad from Cairo, Illinois, to San Blas, on the Pacific Ocean, passing through the State of Texas; and, whereas, it is the opinion of this Convention that the State of Texas should encourage said grand enterprise, it is therefore declared

SECTION 1. Said International Pacific Railroad Company shall have the right to build, equip, run and maintain a railroad, of single or double track, through the State of Texas; commencing on the eastern boundary of the State of Texas, at the point where the said International Pacific Railroad strikes the line of Texas; thence running southwesterly, through Tyler, Smith county, Waco, McLennan county, Belton, Bell county, Austin, Travis county, New Braunfels, Comal county, San Antonio, Bexar county, to an eligible point on the Rio Grande river, south of Eagle Pass; and said company shall have the exclusive right to put up and operate a line of telegraph along said entire route.

SEC. 2. And should said International Pacific Railroad Company construct said road upon the line indicated in section one of this declaration, then they shall have the right to demand from the Legislature of the State of Texas the same aid, by way of donations in land, that has heretofore been given to the most favored railroad company in Texas.

SEC. 3. As soon as said International Pacific Railroad Company shall survey and permanently fix the line of their road-bed in Texas, and file a plat of the same with the Commissioner of the General Land Office of Texas, then all the public land for a distance of forty miles on each side of said road shall stand reserved, to satisfy the donation of land to said company.

SEC. 4. All railroad companies, now holding charters in the State of Texas, connecting points put in railroad connection by the International Pacific Railroad, shall have the right of consolidation with said International Pacific Railroad, under such regulations as the Legislature of Texas may prescribe and said companies agree upon.

SEC. 5. That the following persons, to wit: Ed. Sharp, Henry Jones, George W. Patten, E. S. C. Robinson, A. Tobler, Alfred Smith, E. Nance, F. Schlickum, B. F. Torrdy, and W. B. Moore, shall be and constitute a Texas Board of Directors for said road, and they shall have the right to demand admission into the Board of Directors of the International Pacific Railroad Company upon equitable terms.

Mr. Harne moved to lay the substitute on the table, upon which the yeas and nays were called and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Armstrong of Lamar, Bell, Bryant, of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Gray, Grigsby, Hamilton, of Travis, Harris, Harne, Johnson, of Harrison, Johnson, of Calhoun, Kealy, Keigwin, Leib, Lindsay, Mackey, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Sorrell, Stockbridge, Thomas, Varnell, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—51.

Nays—Messrs. President, Bledsoe, Board, Brown, Bryant of Harris, Coleman, Degener, Downing, Fayle, Foster, Hamilton of Bastrop, Hunt, Kendal, Kuechler, Lippard, Long, Newcomb, Oaks, Patten, Phillips, of San Augustine, Phillips of Wharton, Ruby, Slaughter, Talbot, Whitmore, Williams—26

So the substitute was laid on the table

Mr. Evans, of McLennan, moved a reconsideration of the vote by which the substitute was laid upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Bledsoe, Board, Brown, Bryant of Harris, Degener, Dowing, Evans of McLennan, Fleming, Foster, Hamilton of Bastrop, Hunt, Kealy, Keuchler, Leib, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Slaughter, Smith of Galveston, Talbot, Whitmore, Williams, Yarborough—32.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Buffington, Burnett, Caldwell, Carter, Coleman, Cole, Constant, Curtis, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kirk, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Posey, Schuetze, Scott, Stockbridge, Sumner, Thomas, Varnell, Watrous, Wilson of Brazoria, Wilson, of Milam, Wright—49.

So the Convention refused to reconsider the vote.

Mr. Lindsay offered the following substitute:

"Insert after the preamble to the declaration, as a substitute for all its sections:"

Be it therefore declared, by this Convention, that in furtherance of the objects contemplated in the bill, now pending before Congress, this Convention will insert in the Constitution, which they are now engaged in framing, some general provision, authorizing the Legislature to consolidate the Railroad companies, call the Brazos Branch Railroad Company, and the Henderson, Marshall and Jefferson Railroad company, and all other railroad companies in the State which may desire to be consolidated, and to afford such aid and assistance in the construction of such railroads in the State, as the people, through their representatives in Legislature may deem politic and wise.

Be it further declared, That the Committee on General Provisions are hereby instructed to report a general provision, giving such power to the Legislature.

Mr. Flanagan moved the previous question upon the passage of the declaration.

The President announced the reception of the following telegram from the commanding General.

Telegram,

Dated, New Orleans, Louisiana, July 6th, 1868.

Received at Austin, Texas, July 7th, 1868.

To Brevet Major General J. J. Reynolds:

Appropriation of one hundred thousand dollars to defray expenses of Texas Convention, was made in orders on the 2nd instant.

* * * * *

By command of Brevet Major General Buchanan,

(Signed) B. B. KEELER,
Bv't Maj. U. S. A., Ass't Sec. Civil Affairs.

Official copy respectfully furnished the Hon. E. J. Davis, President Texas Constitutional Convention for his information.

J. J. REYNOLDS,
Bv't Maj. Gen. U. S. Army.

On motion the Convention adjourned until 9 o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
JULY 8, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Flanagan moved a suspension of rules to take up report of Committee on Political Disabilities.

Rules suspended: report read.

Mr. Jordan asked that the following names be added as an amendment: George W. Jacobs, R. W. Davis, Noah Simmons, C. M. Jones.

Mr. Buffington moved to re-commit the report to the Committee on Political Disabilities.

It was re-committed.

Mr. Hamilton, of Bastrop, moved a suspension of rules to permit the Chairman of the Committee on General Provisions to report.

Rules suspended and report read.

COMMITTEE ROOM,
AUSTIN, July 7, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions, to whom has been assigned the duty of preparing provisions under that head for the Constitution, have had the same under consideration for some weeks, and have instructed me to report the accompanying "Bill of Rights," with preamble thereto, and sections from 1 to 14, inclusive.

It will be observed that section 3 embodies the substance of ten of the sections in the Bill of Rights in the Constitution of 1845, it being the opinion of your Committee that the inhibitions enumerated in the said ten sections are fully covered by the nine articles mentioned as amendments to the Constitution of the United States, thus dispensing with a long string of sections which are deemed useless.

Your Committee also submit the accompanying 48 sections under the head of "General Provisions," to which the attentive consideration of the Convention is invited. The plan and provisions of the Constitution of 1845, so far as applicable to the altered condition, political and civil, of the people of Texas, and in so far as experience has shown them to have been well chosen and efficient for the ends had in view, have been adopted. A number of new provisions have been deemed necessary and proper, which require no argument.

Your Committee beg leave to ask the careful attention of the Convention to the change proposed in the mode of appointing Assessors and Collectors of Taxes, and of enforcing the collection of the same, so far as lands are concerned, the largest item of taxable property in the State, much of which has hitherto escaped taxation altogether. Your Committee believe that the experience of more than twenty years is decisive as to the waste, inefficiency and expense of the elective system as to collectors of revenue. Competent, honest and prompt business men are required, nay, absolutely necessary, to the faithful discharge of the duties of such a position. These necessary qualifications cannot always, or even ordinarily, be obtained by appointment. The reverse is the rule by election. Indifferent officers increase largely the burden of taxation, and it behooves the State to make provision to remedy the evils under which the people have so long suffered.

So, also, your Committee advise in regard to the annual sales of lands by Assesssors and Collectors. The system has not worked well. Titles thus obtained have become so worthless that no one will risk the sum of a single year's tax upon a given parcel of land for a deed in fee simple to the whole tract. Your Committee believe that periodical sales, under decrees of courts of competent jurisdiction, after full notice, and a careful compliance with the provisions of the law, and the lands offered to bidders in small lots or parcels, and the purchaser put into possession at at once, with no right of redemption on the part of the owner, will in a great degree remedy the evils heretofore experienced. At the same time, if the Legislature shall frame the law in the spirit of the sections reported, your Committee deem that the inducements to prompt payment will be found adequate to the wants of the Treasury, while the non-payment of the annual assessments will run at interest from the date, and are a lien upon the land.

Your Committee have been so nearly unanimous in reporting these provisions that great confidence is felt in urging their adoption by the Convention, at least in substance.

Your Committee have also had under consideration, more recently, the declaration of the gentleman from Nueces, on the void action of the pretended authorities of Texas during the years intervening 'twixt the beginning of the rebellion and the resumption of authority by the United States, and have instructed me to report the section numbered 43. The section embraces substantially everthing contained in the declaration referred, except the validation of pretended laws passed since 28th January, 1861. Your Committee have great repugnance to accepting as valid any law passed by those in rebellion against the government, or to validate any such pretended law, however inoffensive in its character, especially when it is believed that every right honestly acquired during the deranged state of public affairs may be protected under the laws which existed antecedent to the disturbance. If private rights have grown up resting upon any of the pretended laws enacted during the rebellion, it must be some of the special enactments granting privileges or franchises; and your Committee deny the right of the pretended authorities of Texas to act for the people of Texas at any time since the date of secession, so far as the granting franchises, the sale of the property or assets of the State. Such acts require the full sanction of the people, which has not been given in any form which your Committee or the country feel inclined to respect.

There are still other provisions which may be hereafter reported, when your Committee have fully considered upon them. It is deemed proper to report such as have been prepared, so that they may be printed and in the hands of the members for examination.

All of which is respectfully submitted.

M. C. HAMILTON,
Chairman.

BILL OF RIGHTS.

ARTICLE I.

That the heresies of nullification and secession, which brought the country to grief, may be eliminated from future political discussion; that public order may be restored, private property and human life protected, and the great principles of liberty and equality secured to us and to our posterity, we declare that:

SECTION 1. The Constitution of the United States, and the laws and treaties made and to be made in pursuance thereof, are acknowledged to be the supreme law; that this Constitution is framed in harmony with and subordination thereto; and that the fundamental principles embodied therein can only be changed subject to the national authority.

SEC. 2. All freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive separate public emoluments or privileges.

SEC. 3. The inhibitions of power enunciated in articles from one to eight inclusive, and thirteen, of the amendments to the Constitution of the United States, deny to the States, as well as to the General Government, the exercise of the powers therein reserved to the people, and shall never be exercised by the government of this State.

SEC. 4. All persons shall enjoy equal rights and privileges upon any conveyance of a public character; and all places of business, or of public resort, or for which a license is required, by either State, county, or municipal authority, shall be deemed places of a public character, and shall be open to the accommodation and patronage of all.

SEC. 5. Importations of inferior races of men, under the name of "Coolies," or any other name or designation, or the adoption of any system of "Peonage," whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized or tolerated by the laws of this State.

SEC. 6. All prisoners shall be bailable by sufficient sureties, unless for capital offences.

SEC. 7. The privileges of the writ of habeas corpus shall not be suspended, except when in case of rebellion or invasion the public safety may require it.

SEC. 8. No bill of attainder, *ex post facto* law, retro-active law, or any law impairing the obligation of contracts, shall be made; or any law depriving a party of any remedies fer enforcing a contract which existed when the contract was made.

SEC. 9. No person shall be imprisoned for debt, except in cases of fraud or defalcation of an office, after verdict and judgment of a court of competent jurisdiction.

SEC. 10. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed or exiled, except by due course of the law of the land.

SEC. 11. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 12. No power of suspending laws in this State shall be exercised, except by the Legislature or its authority.

SEC. 13. The right of citizens to meet for recreation, social intercourse, or amusement, in gardens, parks, upon the common, in club rooms, or anywhere else they may choose, *on any day in the week*, shall not be prohibited by law, provided such meetings do not disturb the public peace, nor interfere with the rights of others.

SEC. 14. To guard against transgression of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

GENERAL PROVISIONS.

SECTION 1. Every person shall be disqualified from holding any office of trust or profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 3. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or commit an assault upon any person with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the

State or out of it, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 4. In all elections by the people, the vote shall be by ballot; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

SEC. 5. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution, and shall not grant extra compensation to any officer, agent, servant or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended, where the same shall not have been provided for by pre-existing law.

SEC. 6. No money shall be drawn from the Treasury, but in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the Legislature. A regular statement and account of the receipts and expenditure of all public money shall be published annually, in such manner as shall be prescribed by law; and in no case shall the Legislature have the power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

SEC. 7. Absence on the business of this State, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

SEC. 8. The Legislature shall have power to provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 9. No member of Congress, or person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

SEC. 10. The Legislature shall provide for a change of venue in civil and criminal cases.

SEC. 11. It shall be the duty of the Legislature to pass such laws as may be necessary and proper, to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 12. General laws, regulating the adoption of children, emancipation of minors, and the granting of divorces, shall be made; but no special law shall be enacted relating to particular or individual cases.

SEC. 13. The rights of married women to their separate property, real and personal, shall be protected by registration, if personal effects, in the county where the party resides, and if landed property in the county where situated; and no exemption from liability to the creditors of the husband shall be pleaded, unless the record plainly show the property to have been claimed as the separate property of the wife prior to the creation of the debt sought to be enforced.

SEC. 14. The homestead of a family, not to exceed two thousand dollars in value, whether situated in or out of a town or city, may be protected by law from forced sale, for any debts hereafter contracted, except for the purchase money due thereon; and the assent of the wife, if the owner be a married man, shall be necessary to the transfer and alienation of the same.

SEC. 15. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 16. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

SEC. 17. No law shall be revised or amended by reference to its title; but in such cases the act revised, or section amended, shall be re-enacted, and published at length.

SEC. 18. Taxation shall be equal and uniform throughout the State. All property in the State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession: Provided, that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical.

SEC. 19. The annual assessments made upon landed property shall be a lien upon the property, and interest shall run thereon upon each year's assessment.

SEC. 20. Landed property shall not be sold for the taxes due thereon, except under a decree of some court of competent jurisdiction.

SEC. 21. Provision shall be made for the condemnation and sale, in the year 1875, and every ten years thereafter, of all lands, the taxes upon which have not been paid to that date.

SEC. 22. The Legislature shall prohibit by law individuals from issuing bills, checks, promissory notes, or other paper, to circulate as money.

SEC. 23. The aggregate amount of debts hereafter contracted by the Legislature shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion or suppress insurrections; and in no case shall any amount be borrowed, except by a vote of two-thirds of both Houses of the Legislature.

SEC. 24. The Legislature shall, at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties.

SEC. 25. The salaries of the Governor, and Judges of the Supreme and District Courts, are hereby fixed at the minimum established in the Constitution, and shall not be increased for ten years.

SEC. 26. No scrip, certificate, or other evidence of State indebtedness, shall be issued, except in redemption of such debts as are expressly authorized in this Constitution.

SEC. 27. The State shall not subscribe to, or become interested in the stock of any company, association, or corporation, nor lend its credit in aid thereof.

SEC. 28. All sales of landed property, made under decrees of courts in this State, shall be offered to bidders in lots of not less than ten nor more than forty acres, except in towns and cities, including sales for taxes.

SEC. 29. Provision shall be made by general laws for the union of persons and the association of capital in every branch of trade and enterprise, as well as for the incorporation of towns and cities, but no special or private corporate privileges shall be granted.

SEC. 30. Annual pensions shall be provided for the surviving veterans of the revolution which separated Texas from Mexico, and for those permanently disabled in the service of the United States during the late rebellion: Provided they entered the service from this State.

SEC. 31. It shall be made obligatory upon each county in this State to support all paupers residing within its limits: Provided that no person able to work shall be deemed a pauper.

SEC. 32. All civil officers in this State shall be removable by an address of two-thirds of the members elect to each House of the Legislature, except those whose removal is otherwise provided for by this Constitution.

SEC. 33. The accounting officers of this State shall neither draw nor pay a warrant upon the Treasury, in favor of any person, for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under the State or the United States, except as permitted in this Constitution.

SEC. 34. All persons who are now living together, and cohabiting as man and wife, shall be taken and held as lawfully married, to all intents and purposes; and their issue, and the issue of those who have heretofore cohabited and lived together as husband and wife, shall be taken and held legitimate; and the Legislature shall provide by law for the punishment of adultery and concubinage.

SEC. 35. Assessors and Collectors of Taxes for the several counties shall be appointed upon the recommendation of the Comptroller of Public Accounts, made through the Governor to the Senate for confirmation, and shall be removable by the Comptroller, for incompetency, neglect of duty, or malfeasance in office, and successors appointed by him, subject to the action of the Senate.

SEC. 36. No epithet or mark of distinction or reproach, shall appear in any law enacted in this State, or upon the process or docket of any court, characterizing any citizen as of a separate or inferior class, nor any allusion to the color of any citizen, except in laws providing for the computation of statistics of population, births, deaths and marriages.

SEC. 37. Provision shall be made, under adequate penalties, for the complete registration of all births, deaths and marriages, in every organized county of this State.

SEC. 38. No deed of partition, gift, sale, bond for title, or distribution among heirs, or will, shall be admitted to record or probate, which embraces or is designed to dispose of any land, unless the party or parties shall first exhibit receipts for all taxes due upon the property embraced in the instrument to date.

SEC. 39. Every person, corporation or company, that may commit a homicide through wilful act or omission, shall be responsible in exemplary damages to the widow, heirs, legal representatives or creditors, or such of them as there may be, separately and consecutively, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 40. Limitations may be fixed by law to the recovery of obligations for the payment of money or property: provided, the party pleading limitation shall first make affidavit that the demand has already been paid.

SEC. 41. No limitation to the recovery of parol obligations for money or personal property shall be interposed by statute under four years, or of written contracts under seven years from maturity.

SEC. 42. The right of parties to the recovery of land in the possession of adverse claimants, shall not be barred under fourteen years, and when the occupant is without title, legal or equitable, no limit to the recovery of the rightful owner shall be interposed.

SEC. 43. Ministers of the Gospel, being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions. Therefore, no minister of the Gospel, or priest of any denomination whatever, shall be eligible to the Legislature.

SEC. 44. Recognizing the principles embodied in the preamble to this Constitution as declaring the true relation which States in the Union bear to the Government of the United States:

Be it declared, That the ordinance of secession, adopted by the so-called Convention of the people of Texas, assembled in the city of Austin on the 28th day of January, 1861, is and was from the beginning null and void; that all the action of the rebel organization, under the authority of the said Convention, or the so-called Confederate States of America, of which it was a constituent part, its ordinances, constitution, pretended laws and official acts, whether executive, legislative, judicial or military, were and are declared to be null and void; that no debt or liability contracted or incurred under said authority, after said 28th day of January, 1861, shall ever be recognized as obligatory on the people of this State, nor shall any of the so-called laws or decisions of pretended courts ever have place among the statutes of this State, be classed as "Texas Reports," or read as authority in any of the courts thereof.

Be it further declared, That the Convention which assembled in the city of Austin on the —— day of February, 1866, and the so-called 11th Legislature, which convened in obedience to the requirements of the amended Confederate States Constitution, on the —— day of August, 1866, were without the sanction of legal authority, and their action having been adopted by the United States, through the Military Commander of the Fifth Military District, may be left to the care of the United States Government. The pretended general laws, passed by the said Legislature, will be respected so long only as the Commanding General shall enforce them as rules of action under his government. The special laws, so-called, enacted by the said body, for the most part designed as rewards for treason, are hereby declared null and void. Nevertheless, along with the vast mass of void action, and the numberless wrongs and outrages perpetrated upon the loyal citizens of the United States, resident and non-resident in Texas, under the sanction of the pretended laws and authorities of the same, during these years of anarchy and misrule, at the same time many acts inoffensive in themselves and beneficial to citizens, purporting to be official, were attempted to be performed.

Be it therefore further declared, That the acts of the so-called officers in solemnizing marriages, in taking acknowledgments, and recording deeds and other instruments of writing, the decisions of so-called courts, where parties were present in the State and due notice given, and all contracts between private parties, subject to the laws of the United States, since the said 28th day of January, 1861, be and the same are hereby declared and established as valid and of binding force, to the same extent that such acts, decisions, contracts and proceedings would have been, had the same been performed by the duly constituted authorities of the State: provided, that neither the State of Texas, the United States, nor any loyal citizen thereof, shall in any manner and to any extent be prejudiced thereby; and further provided, that any loyal person, or his heirs, or legal representatives, may by proper legal proceedings, to be commenced within two years after the acceptance of this Constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise or annul any decree or judgment rendered, since the said 28th day of January, 1861, when through fraud practiced, or threats, or violence used toward such person, no adequate consideration for the contract has been received, or when through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair or impartial.

Be it further declared, That the statutes of limitation in force in Texas on the said 28th day of January, 1861, both criminal and civil, were from that date suspended by the rebellion, the citizens of the United States being thereby deprived of the remedies provided by law for their protection against such statutes; nor shall any such have force and effect in Texas until one year after the adoption of this Constitution by the Congress of the United States, or until peace shall have been declared by the said Congress.

The first Legislature convened under this Constitution is hereby required to take final action upon the joint resolution of the United States Congress, known as the Fourteenth Amendment of the Constitution of the United States, and until such action has been taken by the Legislature, no money shall be drawn from the treasury in payment of the per diem and mileage of the members.

SEC. 45. The Legislature shall give effect to the foregoing general provisions, and all other provisions of this Constitution which require legislative action, according to their spirit and intent, by appropriate acts, bills, or joint resolutions.

Mr. Hamilton, of Bastrop, moved that the report be printed and made the special order for Wednesday, July 29, 1868, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong, of Lamar, Bellinger, Bledsoe, Brown, Bryant, of Grayson, Bryant, of Harris, Burnett, Caldwell, Carter, Coleman, Constant, Curtis, Degener, Downing, Fleming, Foster, Gray, Grigsby, Hamilton, of Travis, Harne, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Watrous, Williams—52.

Nays—Messrs. Adams, Armstrong, of Jasper, Bell, Board, Buffington, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Harris, Keigwin, Kirk, Leib, Mackey, Mills, Muckleroy, Mundine, Phillips, of Wharton, Scott, Varnell, Whitmore, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—27.

So the motion prevailed.

Mr. Gray presented a petition from citizens of Titus and Davis counties, asking the formation of a new county out of portions of said counties.

Referred to Committee on Counties and County Boundaries.

Mr. Smith, of Galveston, from the special committee appointed to visit the Blind Asylum, made the following report:

AUSTIN, Texas, July 8, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The special committee appointed to visit the Blind Asylum and witness the exhibition, respectfully report that they have performed that duty; that the examination was in the highest degree creditable to both teachers and pupils; that the organization and management of the institution, under the superintendence and direction of Dr. Baker, shows that with the limited means at his command, nothing has been neglected to elevate all those under his care in religious, moral and intellectual culture; that their personal comfort and welfare receives from all the most careful attention; and that cleanliness and good order are everywhere apparent.

Your committee, however, regard the appropriations for that institution altogether insufficient to provide for the necessary wants of the pupils. Suitable apparatus and books are greatly needed. The salary of the Superintendent ought to be increased, at least, upon the same footing with the salary of the Superintendent of the

Deaf Mute Institution. The duties are equally responsible and onerous; and the deaf mutes have forty acres of land to cultivate, and thus save much expense in living by the application of the labor and the vision of the inmates; whilst the Superintendent of the Blind has neither land or labor to assist in supporting the charge under his care. Therefore the appropriations ought to be governed by these considerations. Your committee would respectfully offer the following statement, and ask that the accompanying resolution do pass:

STATEMENT IN REGARD TO THE INSTITUTION FOR THE BLIND.

Attendance for the last session—Highest number, nineteen; lowest, fifteen; average, seventeen.

Appropriation for .867 and 1868, ten thousand dollars, or five thousand dollars per year.

Appropriation for pay of Superintendent for 1867 and 1868, two thousand dollars, or one thousand dollars per year.

The buildings are scanty and out of repair.

There are dormitories in the main house, by putting four beds in a room, that will accommodate sixteen female pupils.

There are dormitories in the wings and over the school room which may accommodate fourteen male pupils.

According to this estimate, every bed must contain two inmates, and not a spare bed for the sick or for a visitor.

For the musical department a piano is needed.

All the windows need blinds.

Five hundred dollars' worth of books in raised print are needed, in addition to what has been ordered.

One of the cisterns must be repaired, if it can, or rebuilt, as it has become almost entirely useless to hold water.

There is no land attached to the institution except what is included in the court yard containing the buildings.

The distance from town is so great that in summer and all times in bad weather, the pupils cannot walk to church. There should be an ambulance and team provided for this and other purposes.

Therefore, resolved, That the Provisional Government of the State of Texas be requested to appropriate a sufficient amount of money to purchase the necessary books, apparatus, and instruments necessary for the wants of the blind pupils, for the repairs and improvements suggested in the foregoing statement; and that the salary of the Superintendent be not less than the sum of fifteen hundred dollars per annum.

ROB. K. SMITH,
Chairman Special Committee.

Mr. Patten offered the following resolution:

WHEREAS, The copies of the Daily Austin Republican contracted for have not, in a single instance, been delivered in accordance with the terms of the contract, nor have they contained the debates as promised; and

WHEREAS, Such scraps of debates as have appeared in the said Austin Republican are disconnected, unfair, and well calculated to mislead the public; and

WHEREAS, Other expenditures unauthorized by this body have been illy considered with reference to the ability of the treasury to meet the drafts made upon it; therefore, be it

Resolved, That the reporter appointed be discharged from further service in this Convention; that all the newspapers ordered be discontinued from this date; that the Committee on Finance consider and report without delay the propriety of so reducing the number of employes of various grades so that those retained may have room to tread their way through the hall.

Mr. Hamilton, of Travis, moved the rejection of the declaration, upon which the yeas and nays were called and resulted thus:

Yeas—Messrs. Adams, Armstrong of Lamar, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Fayle, Fleming, Grigsby, Hamilton of Travis, Harris, Harne, Johnson of Harrison, Kealy, Kendal, Lindsay, Mackey, McCormick, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Marion, Stockbridge, Sumner, Thomas, Watrous, Wilson of Brazoria, Wright—39.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Board, Brown, Cole, Constant, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kuechler, Kirk, Lippard, Long, Morse, Muckleroy, Mullins, Newcomb, Oaks, Patten, Ruby, Slaughter, Smith of Galveston, Talbot, Varnell, Whitmore, Williams, Wilson of Milam—40.

So the motion to reject the resolution was lost, and, upon motion, the resolution was referred to the Committee on Finance.

Mr. Mundine offered the following declaration:

Be it declared by the people of Texas in Convention assembled, That the following shall be a section of the Constitution of the State of Texas, known as

SECTION —, of Article —. Every person, without distinction of sex, who shall have arrived at the age of twenty-one years, and who shall be a citizen of the United States; or is, at the time of the adoption of this constitution by the Congress of the United States, a citizen of the State of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he or she offers to vote (Indians not taxed excepted), shall be deemed a qualified elector. And should such qualified elector happen to be in another county, situated in the district in which he or she resides at the time of an election, he or she shall be permitted to vote for any district officer; *provided*, that the qualified electors shall be permitted to vote anywhere in the State for State officers; and *provided*, further, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this constitution.

Mr. Johnson, of Calhoun, moved that the declaration be rejected.

Mr. Slaughter moved a call of the House.

Call of the House sustained.

Mr. Smith, of Galveston, moved a suspension of call.

Call suspended.

The question being upon the rejection of the declaration, offered by Mr. Mundine, the yeas and nays were called and resulted thus:

Yeas—Messrs. Bellinger, Bledsoe, Board, Bryant of Grayson, Buffington, Coleman, W. Flannigan, Gaston, Grigsby, Hamilton of Travis, Leib, Long, McWashington, Muckleroy, Phillips of Wharton, Posey, Sumner, Talbot, Thomas, Williams, Wilson of Milam, Wright—22.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Brown, Bryant of Harris, Burnett, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, Fleming, Foster, Glenn, Gray, Harris, Harne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Lindsay, Lippard, Mackey, McCormick, Mills, Morse, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Watrous, Whitmore, Wilson of Brazoria—59.

So the motion to reject was lost, and upon motion the declaration was committed to the Committee on State Affairs.

Mr. Varnell offered the following resolution:

Resolved, That the Legislature may be authorized and empowered to pass laws prohibiting the sale of spirituous and intoxicating liquors within certain limits of colleges and seminaries of learning; provided, said colleges and seminaries are not located at county sites or State capitals.

It was referred to Committee on General Provisions.

Johnson, of Harrison, offered the following declaration:

Be it declared by this Convention, That no person shall be eligible to the office of Judge of the Supreme, District, or Criminal Courts of this State, who, besides possessing the necessary moral qualifications, shall not also have been admitted as an attorney and counselor at law in the Supreme Court of this State.

It was referred to the Committee on Judiciary.

Mr. Kuechler offered the following resolution.

Be it Resolved by the people of the State of Texas in Convention assembled, That it is the true and wisest policy of the State of Texas, to relinquish all right which the State may have to mineral substances above and beneath the surface of the earth, to every person who is working any mine according to laws already passed, or which the Legislature may hereafter pass.

Resolved, 2. That the Committee on Public Lands be instructed to report a declaration in conformity with the principles set forth in this resolution.

Laid over one day under the rules.

Mr. Slaughter offered the following declaration, and asked its reference to the Committee on General Provisions:

WHEREAS, The acts of the Legislature for the session A. D. 1866, is filled with acts of incorporation, making special and magnificent grants and privileges to men generally engaged in rebellion, and

WHEREAS, These numerous grants and special incorporation privileges were intended as distinguishing rewards and premiums for treason to the Government of the United States; therefore

Be it declared by the people of Texas in Convention assembled, That all acts of incorporation made and granted by the said Legislature of the State of Texas, for the year A. D. 1866, be and the same are hereby declared null and void, except the following acts of incorporation: Institutions of Learning, Orphan's Home, Towns and Cities, Bridges, Companies, Wharf and Press Companies, Established Ferries, Mills, Fire Companies, Chambers of Commerce, Ice Companies, Odd Fellows and Masons.

Referred to the Committee on General Provisions.

Mr. Munroe offered the following resolution.

Resolved, That the Committee on the Judiciary are hereby instructed to inquire into the expediency of the adoption of a declaration or resolution, declaring null and void, and of no effect, all notes, judgments, and promises to pay whatever, given, obtained, or made for the purchase of slaves, since the date of emancipation proclamation.

Mr. Long offered the following resolution:

WHEREAS, The custom of carrying concealed weapons is openly indulged by spectators and others who visit this Convention, in the lobbies and elsewhere; therefore be it

Resolved, That the Convention do order that no person shall hereafter be allowed in this hall, who carries belted on his person, revolvers or other offensive weapons.

Mr. Carter moved the suspension of the rules for the consideration of the resolution.

Rules suspended.

Mr. Lindsay offered the following amendment to the resolution:

Resolved, further, That the Sergeant-at-Arms is hereby ordered to see to it, that this order is strictly observed.

The question being upon the adoption of the amendment, it was adopted.

Mr. Buffington moved to amend by inserting "deadly," instead of "offensive."

Amendment adopted.

The question recurring upon the adoption of the resolution as amended, it was agreed to.

Mr. Thomas moved a suspension of rules to take up resolution respecting the discontinuance of all papers taken by the Convention, except 500 copies of the Austin Republican.

Rules suspended.

Mr. Hunt moved its reference to the Committee on Finance.

Mr. Lindsay moved to lay the resolution offered by Mr. Thomas on the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bell, Bellinger, Brown, Buffington, Carter, Coleman, Fayle, Fleming, Grigsby, Hamilton of Travis. Harris, Harne, Johnson of Harrison, Kealy, Kendal, Leib, Lindsay. Mackey, McCormick, McWashington, Mills, Morse, Mundine, Pedigo, Phillips of San Augustine. Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Marion, Stockbridge, Watrous, Wilson of Brazoria, Wright—35.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kuechler, Kirk, Lippard, Long, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Ruby, Slaughter, Smith of Galveston, Sumner, Talbot, Thomas, Varnell, Whitmore, Williams, Wilson of Milam, Yarborough—46.

So the Convention refused to lay the resolution upon the table.

The question recurred upon referring the resolution to the Committee on Finance.

Lost.

Mr. Hamilton, of Travis, moved its reference to the Committee on Contingent Expenses.

The Convention refused to refer the resolution to that committee.

Mr. Evans, of McLennan, moved the previous question, upon the adoption of the resolution.

Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Carter, Cole, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Hunt, Johnson of Harrison, Keigwin, Kendal, Kuechler, Kirk, Leib, Lippard, Long, Morse, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Posey, Smith of Galveston, Talbot, Thomas, Varnell, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—48.

Nays—Messrs. President, Armstrong of Lamar, Bell, Brown, Buffington, Fayle, Fleming, Grigsby, Hamilton of Travis, Harris, Harne, Kealy, Lindsay, Mackey, McCormick, McWashington, Mills, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Smith of Marion, Stockbridge, Watrous, Wilson of Brazoria—29.

So the main question was ordered.

The question recurring upon the second reading of the resolution, Mr. Mills moved a call of the House.

Call seconded.

Mr. Smith moved a suspension of the call of the House, upon which the yeas and nays were demanded.

Pending the vote, the Convention adjourned under the rules, until nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
July 9, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Varnell offered the following protest:

HON. E. J. DAVIS,
President of the Convention:

The subscribers to this protest respectfully state that some of them are members of the Committee on General Provisions, and that the honorable Chairman of said committee made a report to the Convention to-day, July 8th, and moved that it be made the special order for the 29th day of July, 1868; we cannot see the propriety for this delay. The labor of the committee had been well matured, and if this most important part of a constitution cannot be considered for the next twenty days, it does seem to your protestants that we had better adjourn *sine die*.

This thing of remaining in session here, at an enormous expense, and the work on General Provisions suspended for twenty days, seems to us that something else must be contemplated outside of regular constitution making; and for the purpose of showing our opposition to the postponement of the action contemplated, we respectfully ask that this protest may be spread on the records.

W. M. VARNELL,
WM. J. PHILLIPS,
J. W. FLANAGAN.

Mr. Morse offered the following declaration:

WHEREAS, An immense amount of quackery exists in this State in the practice of medicine and surgery, much to the detriment of the good people thereof; therefore

Be it declared by this Convention, That the following shall be a section of the new Constitution, viz: No person shall practice medicine or surgery in this State who has not a diploma from some chartered medical college.

On motion, the declaration was referred to the Committee on General Provisions.

Mr. Brown offered the following resolution, and asked its reference to the Committee on General Provisions:

Resolved, That the following shall be a section of the Constitution:

SECTION.—It shall be the duty of the Legislature at its first session, to provide for the levying of a special road tax, and prescribe rules and regulations for the expenditure thereof, for keeping the public roads in the county in good repair, and the building of bridges.

Mr. Harne offered the following declaration, and asked its reference to the Committee on General Provisions:

Resolved, That the following shall be a section of the Constitution:

SECTION—The homestead of any citizen of this State, who is the head of a family, shall not be subject to sale or alienation, except in the special manner provided for by law, for the alienation thereof, by husband and wife, except for taxes imposed by law, and for the mechanics' lien for labor done and performed; and it shall be the duty of the Legislature to provide for the enforcement of such liens.

Referred to Committee on General Provisions.

Mr. Bryant, of Harris, offered the following resolution:

Be it resolved by the people of Texas, in Convention assembled, That all laws granting the public lands to railroad companies are hereby repealed, and all charters of said railroads in Texas are declared null and void, excepting where such charters have been strictly complied with, both in letter and spirit.

On motion, the resolution was referred to the Committee on General Provisions.

Mr. Varnell offered the following declaration:

Resolution Defining the Qualifications of Legislators.

Resolved, That no person shall be a member of the House of Representatives who shall not have attained the age of twenty-five years, and who has not been a citizen of the State of Texas for five years, and who has not resided in the county or district from which he may be chosen to represent for the last two years next preceding his election; and said representative shall be a qualified elector, as provided in this Constitution.

SEC.—No person shall be a member of the Senate who shall not have attained the age of thirty years, and who has not been five years a citizen of the State of Texas, and who has not been a resident of the county or district he may be chosen to represent, the last two years next preceding his election; and said Senator shall be a qualified elector, as provided in this Constitution.

No person shall be elected as representative to the Congress of the United States, from this State, who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and have all other qualifications requisite for a member of the State Legislature.

On motion, the declaration was referred to the Committee on Political or Legislative.

Mr. Bryant, of Grayson, offered the following declaration:

Be it ordained and declared, That this Convention was elected by the qualified voters of this State for the purpose of framing organic laws, therefore

Be it resolved, That this Convention will not legislate on any subject further than may be necessary to carry out the true intent of said Convention.

On motion, the declaration was referred to the Judiciary Committee.

Mr. Munroe offered the following declaration:

Be it declared by this Convention, That no *ex post facto* law, or law impairing the obligations of contracts, shall be passed, and that all laws postponing or obstructing the collection of debts are hereby declared palpable violations of this provision.

On motion, the declaration was referred to the Committee on General Provisions.

The President announced the business first in order was upon the passage of the resolution offered by Mr. Thomas, discontinuing the newspapers now furnished the Convention, except five hundred copies of the Austin Republican.

Mr. Flanagan moved the previous question upon the adoption of the resolution.

Previous question seconded.

The question recurred "shall the main question be now put?"

Mr. Buffington moved a call of the House.

Call seconded.

Mr. Burnett moved a suspension of the call of the House.

Carried.

Upon the question, "Shall the main question be now put?" the main question was ordered.

The question recurring upon the second reading of the resolution, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Bellinger, Bledsoe, Board, Bryant of Harris, Burnett, Cole, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Hunt, Keigwin, Kendall, Kuechler, Kirk, Lippard, Long, Morse, Muckleroy, Mullins, Newcomb, Oaks, Patten, Posey, Smith, of Galveston, Sorrell, Thomas, Varnell, Whitmore, Williams, Wilson, of Milam—40.

Nays—Messrs. President, Armstrong of Lamar, Bell, Brown, Bryant, of Grayson, Buffington, Carter, Fayle, Fleming, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Johnson, of Calhoun, Jordan, Kealy, Leib, Lindsay, McCormick, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips, of Wharton, Phillips of San Augustine, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, of Marion, Stockbridge, Sumner, Watrous, Wilson, of Brazoria, Wright, Yarborough—39.

So the resolution passed its second reading.

Mr. Evans, of McLennan, moved a reconsideration of the vote, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Brown, Bryant of Grayson, Buffington, Carter, Evans, of McLennan, Fayle, Fleming, Gray, Hamilton, of Travis, Harris, Harne, Jordan, Kealy, Leib, Lindsay, McCormick, McWashington, Mills, Mundine, Munroe, Newcomb, Patten, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Ruby, Schuetze, Scott, Smith, of Marion, Stockbridge, Sumner, Thomas, Watrous, Wilson, of Brazoria, Wilson, of Milam.—40.

Nays—Messrs. Adams, Armstrong, of Jasper, Bellinger, Board, Bryant of Harris, Burnett, Cole, Coleman, Constant, Curtis, Degener, Downing, Evans, of Titus, Flanagan, Flanagan (Webster), Foster, Gaston, Glenn, Grigsby, Hunt, Johnson, of Calhoun, Keigwin, Kendal, Kuechler, Kirk, Lippard, Long, Morse, Muckleroy, Mullins, Oaks, Posey, Smith, of Galveston, Sorrell, Talbot, Varnell, Whitmore, Williams, Wright, Yarborough.—40.

So the motion to reconsider was lost.

Mr. Burnett moved a suspension of rules, to put resolution on its passage.

Rules suspended.

Mr. Burnett offered the following amendment:

Amend by striking out "500" and inserting "1000."

Mr. McCormick moved to re-commit the resolution to the Committee on Printing.

It was so referred.

Mr. Burnett moved to proceed to the consideration of the business on the President's table.

Carried.

The President announced that the first business in order was the report of the Committee on Federal Relations, upon the resolution of Mr. Mills, ceding the county of El Paso to the United States.

Mr. Mills moved to postpone consideration of the report until Saturday, the 11th inst., at 10 o'clock.

Carried.

The President announced the next business in order was the substitute of Mr. Hamilton, of Travis, to the report of the Committee on Division of the State.

Mr. Thomas moved the whole matter be indefinitely postponed, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Bryant, of Grayson, Buffington, Cole, Evans of McLennan, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Harne, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, Mills, Morse, Mundine, Munroe, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Slaughter, Sorrell, Stockbridge, Sumner, Talbot, Thomas, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam.—42.

Nays—Messrs. President, Adams, Bledsoe, Bryant, of Harris, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Hamilton, of Travis, Harris, Hunt, Johnson, of Calhoun, Jordan, Kendal, Kuechler, Lippard, Long, Muckleroy, Mullins, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Smith, of Galveston, Smith, of Marion, Varnell, Whitmore, Wright, Yarborough.—38.

So the motion to postpone prevailed.

Mr. Mills moved to reconsider the vote and to lay that motion upon the table.

Mr. Slaughter moved a call of the House.

Call sustained.

Mr. Munroe moved the call be suspended.

Carried.

Mr. Mills withdrew the motion to lay upon the table, by leave of the Convention.

Mr. Ruby moved a suspension of rules as to adjournment of Convention at 1 o'clock.

Convention refused to suspend the rules.

On motion, the Convention adjourned until to-morrow morning, at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 10, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the following communication from Brevet Major-General J. J. Reynolds, transmitting reports from Comptroller:

HEADQUARTERS DISTRICT OF TEXAS,
Austin, Texas, July 9, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: I have the honor to transmit herewith statements from the Acting Comptroller, giving the information called for by resolutions of the Convention dated July 1, 1868.

I am, Sir,
Very respectfully,
Your obedient servant,
J. J. REYNOLDS,
Brevet Major-General U. S. A.

COMPTROLLER'S OFFICE,
Austin, Tex., July 6, 1868.

His Excellency E. M. PEASE,
Governor of Texas:

SIR: I have the honor to acknowledge the receipt of your communication of the third instant, requesting that I transmit to the Executive Office, as early as practicable, the information desired by the following resolution, passed by the Constitutional Convention on the first instant, to-wit:

"*Resolved*, That Brevet Major-General J. J. Reynolds, commanding District of Texas, be, and is hereby respectfully requested to cause the proper accounting officer of the civil provisional government to furnish, for the information of this Convention, complete estimates of the probable receipts into the treasury, and expenditures therefrom for the year ending July 1, 1869, noting the appropriation made by the Commanding General of the Fifth

Military District, by request of His Excellency the Governor, and of this Convention, in addition to those made by the Legislature of 1866."

And, in reply, I beg most respectfully to invite attention to the actual receipts and the actual expenditures of the State government from July 1, 1867, to July 1, 1868, as the data upon which I have made estimates of the receipts and expenditures of the State government, for the period commencing July 1, 1868, and ending June 30, 1869, leaving no margin for contingencies, which it is always proper to provide.

RECEIPTS OF STATE REVENUE

During the period commencing July 1, 1867, *and ending June* 30, 1868.

Taxes of 1866 and previous years	$42,509	64
Taxes of 1867	370,273	81¾
Taxes of 1868	12,755	45
Fees, office	5,133	89
Fees, patent	2,034	20
Pre-emption	400	00
Government dues	495	40
Sales of public domain	684	00
Sales of public property	3,194	30
Money refunded	1,606	64
Sales of United States five per cent. bonds (act of October 30, 1866)	12,000	00
Total	$451,087	33¾

Treasury Warrants drawn upon State Revenue, during the period commencing first July, 1867, *and ending thirtieth of June*, 1868.

For the month of July, 1867	$32,619	97
" August, 1867	29,346	90
" September, 1867	1,564	84
" October, 1867	8,685	80
" November, 1867	27,918	00
" December, 1867	17,880	29
" January, 1868	25,811	55

For the month of February, 1868	15,957	86
" March, 1868	29,855	22
" April, 1868	23,629	81
" May, 1868	15,366	35
" June, 1868	19,348	34
Total amount of treasury warrants drawn	$247,984	93

Estimate of the probable receipts and expenditures of the State government, during the period commencing July 1, 1868, *and ending June* 30, 1869.

EXPENDITURES.

Ordinary expenditures for support of State government	$247,984	93		
Estimated expenditures of Constitutional Convention	125,000	00		
Per diem pay and mileage for members of Legislature	129,573	61		
Contingent expenses of Legislature	34,135	06		
Appropriation for Penitentiary	25,000	00		
Appropriation for arresting criminals	25,000	00		
Appropriation for pay of officers of first provisional government	15,000	00		
Appropriation for framing portrait of Gen. Sam. Houston	200	00—		
Total			$601,893	60

RECEIPTS.

Total receipts of State revenue from first July, 1867, to first July, 1868	$451,087	33¾
The forced collection of "back taxes" being prohibited, $30,000 at least should be deducted from the above, in estimating		

receipts from July 1, 1868, to July 1, 1869	30,000 00	—$421,087 33¾	
Twenty per cent off for causes explained below		84,217 46¾	
		$336,869 87	
Add cash on hand, say		200,000 00	—$536,869 87
Leaving a deficit, say			$65,023 73

APPROPRIATIONS.

Eighty-one appropriations were made by the Eleventh Legislature (so called), for the support of the State Government for the two years 1867 and 1868, amounting in the aggregate to		$595,900 00
These appropriations have been increased by nineteen additional appropriations made by the Commanding General, to-wit:		
Contingent expenses of the office of Superintendent of Public Instruction	$225 00	
For publishing Twenty-fifth volume Texas Reports	5,184 00	
For support of the Lunatic Asylum	3,000 00	
For support of the Blind Asylum	2,000 00	
For support of the Deaf and Dumb Asylum	6,000 00	
For keeper and night watch of Capitol	800 00	
For night watch of General Land Office	550 00	
For night watch of treasury building	550 00	
For contingent expenses of Executive Office	500 00	
For postage and contingent expenses of Secretary of State	500 00	

For books and stationery of Comptroller's office, including blanks and binding	2,500 00	
For postage and contingent expenses of Comptroller's office	600 00	
For repairs on Capitol	700 00	
For extra pay of draftsman in photo-lithographic bureau, General Land Office	300 00	
For materials and chemicals for said bureau	600 00	
For salary of extra clerk in State Treasurer's office	1,200 00	
For contingent expenses of State Treasurer's office	200 00	
For distribution of Twenty-fifth volume Texas Reports	200 00	
For salary to sexton of State Cemetery	100 00	
For stationery for the Convention, June, 1868	1,000 00	
For Supreme Court, for printing and pay to librarians	1,500 00	
For support of the State Penitentiary	25,000 00—	53,209 00
Total amount of appropriations		$649,109 00
Out of which there has been paid up to July 1, 1868		413,438 59
Leaving amount credit of all appropriations for 1867 and 1868, on the first of July, 1868		$235,670 41

I am of the opinion that the receipts for the period commencing first July, 1868, and ending thirtieth June, 1869, will fall short of the receipts for the corresponding period of the previous year, of at least one-fifth, for the following reasons, to-wit:

The deranged condition of the machinery of this office, occasioned by the removal of assessors and collectors, and the failure of the appointees, in many instances, to qualify; because of vacancies now existing in the office of assessor and collector, in many counties; the decrease in the business of the country, made apparent by the returns of occupation taxes. And, in addition to these causes, it is proper to state that His Honor Judge Winston Banks, of the Eighth Judicial District, has granted a perpetual injunction, restraining the assessor and collector of Hopkins county from collecting the tax levied under the law upon Crumby & Withers, for retailing ardent spirits in quantities less than a quart. I am aware that this decision of Judge Banks only affects the particular case adjudicated; but it is presumed that others will take the hint, and that this decision will materially decrease the receipts of the treasury. I have, however, made no estimate of what that decrease will be.

The *forced* collection of "back taxes" has been prohibited, which will lessen the receipts of the present year (1868) to a very considerable amount as compared with the receipts of 1867—say, at least $30,000.

The additional appropriations which may be made by the Commanding General, the Constitutional Convention, or the Legislature, should one assemble, are not considered in this estimate. Nor is the direct tax due the United States considered, because enough is shown to make it apparent that the treasury will certainly be empty before first July, 1869; and it is not reasonable to suppose any revenue to be derived from the tax which may be levied by the Convention to reimburse the treasury for the amount expended in its behalf, will be paid into the treasury before first of January, 1870.

I have the honor to be,
Your obedient servant,
(Signed) GEO. C. RIVES,
Acting Comptroller.

On motion of Mr. Armstrong, of Lamar, the report was referred to the Committee on Finance.

Mr. Fayle, Chairman of the Committee on Enrolled Provisions, made the following report:

Hon. E. J. DAVIS,
President of the Convention:

The Enrolling Committee have had bills, numbering 19 to 24 inclusive, under examination and find them to be correctly enrolled, to-wit:

No. 19, Resolution ordering the printing of 400 copies of the report of Wm. Alexander, Esq., late Attorney General of Texas.

No. 20. Resolution, defining the powers of this Convention.

No. 21, Resolution, appropriating twenty-five thousand dollars or so much thereof as may be necessary for the apprehension of desperadoes.

No. 22. Resolution, amending the rules governing the Convention, so that a simple resolution, or resolutions relating to the government of the Convention may be disposed of upon a vote at first reading.

No. 23. Resolution, appropriating the sum of two hundred dollars to frame the portrait of General Sam Houston.

No. 24. Resolution appropriating $15,000 for the payment of the civil officers of the State appointed by Provisional Governor A. J. Hamilton.

Respectfully submitted,
WM. R. FAYLE,
Chairman of the Committee on Enrolled Provisions.

Report adopted.

Mr. Whitmore, Chairman on the Committee on Finance, offered the following reports:

COMMITTEE ROOM,
July 8th, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Finance, to whom was referred a resolution of Mr. Patten, respectfully return the same, and declare, that

First, the Reporter's services should not be discharged, but that the publication of the speeches should be dispensed with, that a manuscript copy should be written out and preserved in the State Secretary's office for future use.

Secondly, the newspaper question having progressed so far in the Convention, the Committee deems any action on this subject unnecessary.

Third, the Committee would ask that, that portion of Mr. Patten's resolution which refers to the various employes of the Convention, be referred to the Committee on Contingent Expenses.

All of which is respectfully submitted,
G. W. WHITMORE,
Chairman.

COMMITTEE ROOM,
July 8th, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Finance report on a resolution introduced by Mr. Leib, to-wit:

That burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, shall never be taxed; and respectfully recommends that said resolution do not pass.

With much respect,
G. W. WHITMORE,
Chairman.

Mr. Glenn offered the following Minority report:

COMMITTEE ROOM,
Austin, July 8, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The undersigned members of the Committee on Finance beg leave to dissent from the Majority report, from said Committee in relation to retaining the services of a Reporter; and respectfully ask that the services of said reporter be dispensed with; for the reason that the purposes and ends contemplated by the Convention in his appointment has failed, and no material benefits seeming to result to the Convention or the country at large from his labors, we therefore hope that he may be discharged; and the concomitant expenses thereby cut off.

Respectfully submitted,
MARSHALL GLENN,
G. W. WHITMORE.

Mr. McCormick, Chairman of Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
July 10th, 1868.

Hon. E. J. DAVIS,
President of the Convention:

The Committee on Contingent Expenses, in view of the fact that the official Reporter employed by the Convention, has found himself unable to report the debates of the Convention, from day to day, for publication currently, with the business on which they occur; and that no proper opportunity can be furnished members for correcting the reports of their speeches, and not thinking it proper to recommend the incurring the additional expense for the reporting of the debates, have instructed me to report the accompanying resolution dispensing with the reporting of the debates which may occur after the passage of said resolution. They are of opinion, that according to the terms of this contract, the official reporter should furnish the Convention with debates which have occurred or shall have been had in the Convention up to the date of the passage of said resolution, and have, therefore, provided that he shall deposit with the Secretary of the Convention his report written in the ordinary English character, of the debates had up to that time, before receiving a certificate entitling him to pay for the same.

Respectfully submitted,
A. P. McCORMICK,
Chairman.

Resolved, 1. That the services of John Tovell, engaged on the — day of June, 1868, to report the debates of this Convention, be now and henceforth dispensed with.

2. That the Secretary of the Convention be, and he is hereby authorized to settle with the said John Tovell at the rate of fifteen dollars per day from the date of his said employment, until the date of the passage of this resolution, upon the condition precedent, however, that the said John Tovell shall fairly write out in the ordinary English character, the debates which shall have taken place during the period of his said employment; and the Secretary is instructed not to furnish said John Tovell with any certificate of amount due him until said debates are thus written out and deposited with said Secretary.

3. The certificate of the Secretary, that this resolution has been complied with, and showing the number of days between the date of said John Tovell's said employment as reporter and the date of the passage of this resolution, and the amount due therefor, shall be a sufficient voucher to authorize the Comptroller to draw his warrant upon the Treasurer in favor of said John Tovell for said amount so certified to be due, to be paid out of the appropriation made or approved by the Commanding General for the expenses of this Convention.

Mr. Thomas, from the Committee on Printing, offered the following report:

Hon. E. J. DAVIS,
President of the Convention:

The Committee on Printing, to whom was referred a resolution proposing to discontinue certain newspapers heretofore subscribed to for the use of this Convention, have had the same under consideration and recommend that the resolution be so amended as to accept one thousand copies of the Austin Daily Republican at eight cents per number, and five hundred copies of the San Antonio (tri-weekly,) Free Press, at seven cents per number, and that the resolution thus amended be adopted.

Respectfully submitted,
JAS. W. THOMAS,
Chairman of the Committee on Printing.

Mr. Schuetze moved a suspension of rules to take up the report of the Committee on Printing.

Rules suspended.

Mr. Degener moved the previous question upon the passage of the resolution.

Previous question seconded.

The question recurring, "shall the main question be now put?"

The main question was ordered.

Mr. Slaughter moved that the previous question be withdrawn.

Carried.

Mr. Evans, of McLennan, moved to lay the whole matter upon the table.

The yeas and nays being demanded resulted thus:

Yeas—Messrs. Bell, Brown, Carter, Constant, Degener, Evans of McLennan, Hamilton of Travis, Harris, Harne, Lindsay, Long, McWashington, Newcomb, Patten, Pedigo, Phillips of Wharton, Posey, Schuetze, Scott, Smith of Marion, Stockbridge, Vaughan, Watrous, Williams, Yarborough—25.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Cole, Coleman, Curtis, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Leib, Lippard, McCormick, Morse, Muckleroy, Mullins, Mundine, Munroe, Oaks, Phillips of San Augustine, Rogers, Ruby, Slaughter, Smith of Galveston, Sorrell, Sumner, Talbot, Thomas, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—55.

So the Convention refused to lay the resolution on the table.

Mr. McCormick offered to amend as follows: "And if these papers be continued they publish the journals of the Convention."

Amendment agreed to.

Mr. Degener moved the previous question, upon the passage of the resolution as amended.

Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The question recurring upon the second reading of the resolution, it was read a second time and agreed to.

Mr. Burnett moved a further suspension of rules to put resolution on its final passage.

Rules suspended.

Resolution read third time and passed.

Mr. Talbot, Chairman of the Committee on Education, made the following report:

HON. E. J. DAVIS,
President of the Convention:

Your Committee on Education, which was added to the Special Committee to attend the examination of the Blind School, at the close of its session, would, in addition to the report of the Special Committee, present the following:

The examination commenced on the 30th of June, and continued through that and the succeeding day.

Upon consulting the records of the Superintendent, we find that the largest number of pupils attending the school during the session was nineteen, and the smallest fifteen, which number was present at the examination.

It was one of the objects of our visit, to ascertain, as far as our limited time would permit, the methods of instruction, and the internal police and regulations of the school; and in all these particulars we would say, it merits our full approbation. The officers and teachers were polite and obliging, and the pupils attentive, interested, and cheerful, and their happy faces showed that they had a full appreciation of the stores of intellectual wealth they were laying up in their minds.

The studies pursued during the session are, in addition to the common English branches, Algebra, Geometry, Natural Philosophy, Astronomy, Philosophy of Natural History, Science of Government, and the French language, together with vocal and instrumental music.

The examination of the several classes to which your committee listened, was of a highly interesting character, and gave abundant evidence that the pupils had received thorough and accurate instruction in the various studies pursued by them; and the recitations throughout were characterized by a degree of promptness and correctness not surpassed by schools composed of seeing pupils.

Several of the younger pupils were called upon to read, which they did with great facility and correctness. They read from books upon various subjects, where the words were long and difficult, with apparently the same ease, and with as little hesitation as those who see. One little girl, seven years old, particularly attracted our attention. She read in the third reader with as much fluency and propriety as any child we ever listened to.

As the time of the committee was limited, and they could not be present through the whole examination, the Superintendent requested them to call for such classes as they might wish to hear. They accordingly directed the teacher, Dr. Baker, to examine his first class in intellectual algebra. The class consisted of four members, three females and one male, the yonngest of which was thirteen years old. The exercises included the solution of problems producing equations containing one unknown quantity, those producing equations containing two unknown quantities, elimination by the various methods, the formation of powers, numerical and literal, and the solution of problems producing incomplete, and complete equations of the second degree.

The committee regarded the examination in this branch, in addition to what had preceded it, as a sufficient test of the attainments of the pupils in all the studies pursued by them. The result was extremely gratifying. Every question proposed was answered, and every problem was solved with a facility and accuracy truly astonishing, manifesting a degree of mental discipline your committee had never witnessed in any school.

There was another exercise of which your committee desire to speak, and that was the examination of a class of four boys in the Constitution of the United States, and the principles of Republican Government. The text books studied by this class were Young's Science of Government, and Sullivan's Political Class Book, and the recitation showed that those books had been used to good purpose.

The musical performances during the examination, and at the concert, given by the school on Wednesday evening, consisting of a choice selection of pieces, both vocal and instrumental, were of a high order, and fully satisfied the committee that the school, during the session, had enjoyed superior advantages for the cultivation of this pleasing accomplishment, and to the blind, almost indispensable branch of education.

In conclusion, your committee do not hesitate to express their entire approbation of the manner in which this institution is conducted, and do most cordially recommend it to the fostering care of this Convention.

The examination above referred to continued two days, and your committee not feeling at liberty to devote their entire time to it deputed one of their number, the Hon. D. C. Constant, whose attendance continued throughout the entire examination, and to whom your committee are indebted for this report.

JOSEPH W. TALBOT,
Chairman of Committee on Education.

Mr. McWashington offered the following resolution:

Resolved, That the following be a section of the Constitution:

ARTICLE —.

SECTION —. All marriages solemnized or had among free persons of color whilst in bondage, according to the rites existing among said persons, are hereby declared to be legal and binding, and are hereby made valid; and all children born of said marriages are declared legitimate for all purposes.

SEC. —. It shall be the duty of the Legislature to provide, by law, to protect the persons named in section — in this article, in all their rights as married persons.

On motion the resolution was referred to the Committee on General Provisions.

Mr. Lippard offered the following resolution:

Resolved, by the people of Texas in Convention assembled, That the following shall be a section of the Constitution of this State.

SECTION —. That capital punishment shall not be inflicted in this State.

On motion the resolution was referred to the Judiciary Committee.

Mr. Evans, of McLennan, offered the following declaration:

Be it declared, That the Sergeant-at-Arms be requested to examine Committee Room, No. 3, in the basement of the Capitol, and report how said room is now occupied; and if he should find it a store room for firewood, then to report to this body how much firewood is in the room, who it belongs to, and report the relative importance of using said room to store a cord of wood, or for the purpose of a committee room; and that he report who has the control of the Capitol of Texas, and what part, if any, this Convention can occupy, and how long without damage to other and more important interests.

Laid over one day under the rules.

Mr. Jordan offered the following declaration:

Be it declared by this Convention, That all sects in religion, of whatever denomination, shall be by law protected in all their rights and religious exercises from malicious disturbance, and from all injuries to property on lands set apart and consecrated to the worship of God; but the doctrines, discipline, and distinctive peculiarities of any of the denominations or sects in religion, shall never be the subjects of legislation in this State; nor shall any favor or privilege ever be granted by law to any one sect, above that which is secured to all sects and denominations in religion.

Mr. Slaughter offered the following resolution:

Resolved, That the Committee to which was re-committed the memorial to Congress, asking the removal of disabilities of certain persons, be and are hereby instructed to have said list of names printed, with the indorser of each name respectively set opposite the name, and that a copy of the same be laid upon the desks of members as soon as possible.

Mr. Slaughter moved the suspension of rules to take up resolution.

Lost.

Mr. Ruby offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed and authorized to keep the various rooms used by this Convention for committee purposes cleanly, and in such condition as may conduce to the comfort of the temporary occupants thereof.

The President announced the business in order was upon the motion of Mr. Mills to reconsider the vote by which the consideration of the substitute offered by Mr. Hamilton, of Travis, to the report of the Committee on Division of the State, was postponed.

Mr. Smith, of Galveston, asked leave to print his remarks upon the question.

Leave granted.

Mr. Hamilton, of Travis, requested leave of absence for ten days for Mr. Sorrell, of Limestone.

Leave granted.

Mr. Smith, of Galveston, asked leave of absence for Mr. Johnson and Mr. Bryant for to-morrow.

Leave granted.

Mr. Burnett moved that the rules be suspended so that the Convention might adjourn until this evening, at four o'clock.

Lost.

Mr. Schuetze moved a suspension of the rules as to adjournment, so as to allow Mr. Lindsay to finish his remarks.

Carried.

Under the rules, the Convention adjourned until to-morrow morning, at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
July 11, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the following communication. from A. Siemering & Co., proprietors of the San Antonio Express:

Hon. E. J. DAVIS,
President of the Convention:

Sir: Learning that a resolution has passed to engrossment, discontinuing the four hundred copies of the San Antonio Express, subscribed for by the Convention, we would respectfully represent that this sudden action on the part of the Convention, will be a considerable injury to us, as we have made outlays to meet the demand of the Convention, and we ask that fair notice be given, or that the Convention continue the papers at a reduced price, say five cents per copy, in order to enable us to use up the extra quantity of paper we have on hand.

Yours most ob't,
A. SIEMERING & CO.

Austin, July 11th, 1868.

Mr. Bell offered the following resolution:

Resolved, That the President appoint a committee of five members, to enquire into the circumstances of the personal difficulty between two or more members of this body in the Convention hall this morning, and that such committee have power to send for witnesses, and that said committee report by resolution or otherwise.

On motion to suspend the rules to take up resolution, the rules were suspended.

Mr. Flanagan moved to lay the resolution on the iable.

Carried.

Mr. Flanagan moved the resolution be expunged from the minutes, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Board, Bryant, of Grayson, Carter, Coleman, Evans of Titus, Fayle, Flanagan, W. Flanagan, Hamilton, of Travis, Harris, Hunt, Jordan, Mills, Phillips, of San Augustine, Phillips, of Wharton, Posey, Schuetze, Scott, Stockbridge, Varnell, Vaughan, Wilson of Brazoria—23

Nays—Messrs. President, Armstrong of Jasper, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant, of Harris, Burnett, Cole, Curtis, Degener, Downing, Evans, of McLennan, Fleming, Foster, Gaston, Gray, Grigsby, Harne, Johnson, of Calhoun, Kealy, Keigwin, Kendal, Kuechler, Lindsay, Lippard, Long, McWashington, Morse, Muckleroy, Mundine, Munroe, Oaks, Patten, Pedigo, Rogers, Ruby, Slaughter, Smith, of Galveston, Smith, of Marion, Sumner, Thomas, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—49.

So the motion to expunge from the minutes was lost.

Mr. Flanagan, Chairman of the Committee on Internal Improvements made the following report:

COMMITTEE ROOM,
Austin, July 11, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Internal Improvements, have had under consideration a declaration introduced by Hon. A. J. Evans, of McLennan, authorizing the county courts for police purposes, to authorize the people in any county or counties to vote a tax for railroad purposes, and I am instructed to report back the declaration, and to recommend the adoption of the same.

J. W. FLANAGAN,
Chairman.

Mr. Flanagan offered the following additional report:

COMMITTEE ROOM,
Austin, July 11th, 1868.

To the Hon. E. J. DAVIS,
President of the Constitutional Convention:

SIR: The Committee on Internal Improvements, heretofore charged by resolution of the Convention with the duty of ascertaining the indebtedness of the several railway companies of the State to the special School Fund, and also the condition of said Companies, and their Roads, and to report to the Convention, has had these subjects under consideration, and has instructed me to make tho following report:

The special School Fund of the State was created by the Act of the 31st of January, A. D., 1854. The Act authorizing the loan of the special School Fund to railway companies was passed on the 13th of August, A. D., 1856. This latter act provided that the Board of School Commissioners created by the act should not deliver to any railway company any warrant on the Treasury of the State, against the special School Fund, until such company had delivered into the Treasury its bonds, in sums of not more than one hundred and fifty thousand dollars, and not less than fifty thousand dollars, with coupon bonds for six per cent. per annum interest, payable annually; and the same section of the act provided that, in addition to the annual interest of six per cent. to be paid on the bonds, every company accepting any loan under the provisions of the act should pay annually the further sum of two per cent. upon the amount of the loan, for the purpose of establishing a sinking fund, to be applied towards the payment of the loan at maturity. The amount paid for the purpose of establishing the sinking fund to be credited to the company paying the same.

Under the provisions of the act of August 13th, 1856, four railway companies have received loans from the special School Fund, to-wit: The Houston and Texas Central Railway Company; the Buffalo Bayou, Brazos and Colorado Railway Company; the Texas and New Orleans Railway Company, and the Southern Pacific Railway Company.

By special acts of the Legislature, the benefit of the act of the 13th of August was extended to two other companies, to-wit: The Washington County Railway Company, and the Houston Tap and Brazoria Railway Company; so that the six companies above named became indebted to the special School Fund of the State.

According to the statement furnished to your committee by the Comptroller of Public Accounts, the Houston and Texas Central railway company borrowed from the special School Fund, in the years 1857, 1858, and 1859, the sum of $450000, for which sum, said company executed its bonds, in conformity with the act of August 13th, 1856, which said bonds were deposited in the Treasury of the State. The whole amount of interest accruing on these bonds to March 1st, 1868, was $257,255 56. To the 31st day of August, 1860, the said company paid, in specie, on account of the two per cent. sinking fund required by law, the sum of $18,000, thereby reducing the principal of the debt to the sum of $432,000. On account of accrued interest, said company has paid as follows: From March 1st, 1858, to March 1st, 1860, inclusive, in specie, the sum of $49,801 21; from December 31st, 1866, to December 31st, 1867, inclusive, in specie, the sum of $38,290; making total payment of interest, in specie, $88,091 21. The said company also paid, in the year 1864, on account of interest, in State Warrants, $49,146 49; and in State Warrants fundable in 8 per cent. bonds $56,188 67; and in State Warrants fundable in 6 per cent. bonds, $439: making the whole amount of interest paid in State Warrants $105,774 35; and the whole amount of interest paid, both in specie and State Warrants, $193,865 56; leaving a balance due on account of interest, of $63,390.

By way of full explanation, your committee deem it proper here to state, that, by the 7th section of an act of the 11th Legislature, entitled "An Act regulating the Collection of Debts," approved November 10th, 1866, it was provided that "all railroad companies that are owing interest upon the bonds for loan of the Common School Fund, shall have an extension of time for the payment of interest now due, as follows: The entire amount of interest now due shall be divided into eight equal parts, and paid as follows, in specie; one equal eighth part due by each company, shall be paid on or before the first day of January next; and one equal eighth part every six months thereafter, until the entire amount shall have been paid: Provided, that on failure of any company to pay any one of such installments, as above stipulated, such company shall forfeit the benefits of this act, and the entire amount of interest then due shall be collected as now provided by law."

The arrears of interest due by the Houston and Texas Central Railway Company, and intended to be embraced in the above provision of the act of 10th November, 1866, are included in the above amount of $63,390.

The Buffalo Bayou, Brazos and Colorado Railway Company borrowed from the special School Fund, in the years 1858 and 1859, the sum of $420,000. The whole amount of accruing interest on this loan, to March 1st, 1868, was $228,158. This company paid, prior to the 8th day of October, A. D., 1860, on account of the two per cent. sinking fund, in specie, the sum of $12,000; thereby reducing the principal of their debt to the sum of $408,000. To the 31st March, A. D., 1860, inclusive of that day, this company paid, in specie, on account of accrued interest, the sum of $32,218 75. On the 7th day of January, 1867, this company paid, in specie, on account of accrued interest, the sum of $6,120. During the year 1864, this company, on account of accrued interest, paid, in State Warrants, the sum of $23,815, and in State Warrants fundable in 8 per cent. bonds the further sum of $74,204 25, making the total amount paid in State Warrants, on account of interest, $98,019 25, and the whole sum of payments on account of interest, both in specie and in State Warrants, $136,358, leaving a deficit of the whole amount of accrued interest to March 1st, 1868, of $91,800; thus making the whole indebtedness of this company to the special School Fund, on March 1, 1868, amount to $499,800. The deficiency in the interest account embraces the arrears of interest intended to be embraced within the provisions of the 7th section of the act of the 10th of November, 1866, before referred to.

The Texas and New Orleans Railway Company borrowed from the special School Fund, in the years 1860 and 1861, the sum of $430,500. Of the two per cent. sinking fund required by law to be annually paid, this company has never paid any amount. On account of accrued interest, this company paid, on March 1st, 1861, in specie, the sum of $14, 271 52, and on the 5th of January, 1867, in specie, the sum of $16,143 75, making total payments in specie, on account of accrued interest, amount to $30,415 27. This company has never paid any further sum on account of interest, in any kind of funds. The whole amount of accrued interest due on the sum borrowed to March 1st, 1868, was $195, 081 52. The deficit on interest is therefore, to March 1st, 1868, $164,666 25, and the whole amount due this company to the special School Fund, on March 1st, 1868, was $595,166 25.

In this connection, your committee deems it proper to call the attention of the Convention, to the second section of an act passed during the extra session of the Eighth Legislature, entitled "An Act for the relief of the Texas and New Orleans Railroad Company." The act referred to was approved on the 7th day of February, 1861. The said second section provided that "said railroad company shall have the power and is hereby authorized to issue a first mortgage upon its railroad, from the west bank of the Trinity river to the city of Houston; provided that this company shall relinquish all claims to the State Loan on said section of its road." Your committee is informed that, under the provisions of this act, the said railway company executed a first mortgage on the forty miles of their road lying between the west bank of the Trinity river and the city of Houston, for the sum of six thousand dollars per mile, making the sum of $240,000. If the act referred to of the 7th of February, 1861, is a law of the State, or was such at the time of its passage, then this first mortgage, to the amount of $240,000, will take precedence of the lien of the State upon that portion of the road, and of course the value of the security for the payment of the debt to the special School Fund will be correspondingly diminished. Further reference will be made to this matter before concluding this report.

The Washington County Railway Company borrowed from the special School Fund, in the year 1859, the sum of $66,000. The whole amount of accrued interest to March 1st, 1868, was $29,312 59. This company paid on June 6, 1860, on account of two per cent. sinking fund, in specie, the sum of $1,320. On the 11th day of May, A. D., 1865, this company also paid, and had placed to its credit, on account of said sinking fund, the sum of $27,663, in State Treasury Warrants, reducing the principal of its debt, by the said payment, to the sum of $37,017. On account of accrued interest this company paid, on the 28th day of February, 1860, in specie, the sum of $2,899 45. And on January 1st, 1867, said company paid, on account of interest, in specie, the further sum of $317 98, making the total payments of interest, in specie, $3,217 43. During the year 1864, this company paid on account of accrued interest, in State Treasury Warrants, the sum of $15,546 40; and on the 11th day of May, A. D., 1865, said company paid the further sum, on account of interest, in State Treasury Warrants, of $3,880 80, making total payments of interest in State Warrants of every kind $19,427 20; and total payments on account of interest in specie and State Warrants, $22,644 63, leaving balance due of interest on 1st March, 1868, of $6,667 96; thus making the whole indebtedness of said company to the special School Fund on March 1st, 1868, $43,684 96.

The Southern Pacific Railway Company borrowed from the special School Fund, on the 31st of May A. D., 1862, the sum of $150,000. The interest on this loan to March 1st, 1868, amounted to $52,625. This company has never paid any sum, either as sinking fund or interest. The account is therefore easily stated: Principal, $150,000; interest to March 1st, 1868, $52,625; total indebtness of this company to special School Fund on March 1st, 1868, $202,625.

The Houston Tap and Brazoria Railway company borrowed from the special School Fund, in the years 1859 and 1860, the sum of $300,000. This company paid on the 1st of January, 1861, in specie, on account of the two per cent. sinking fund required by law, $4,200, reducing thereby the amount of the principal debt to the sum of $295,800. The whole amount of interest due on the loan to this company, on March 1st, 1868, was $142,849 58. This company paid on account of accrued interest, on 27th February, 1860, in specie, the sum of $2,375 38. This company also made payments of interest in State warrants, as follows: on June 23d, 1864, in 8 per cent. warrants, $2,000; on July 13th, 1864, in 6 per cent. warrants, the sum of $13,163 33; on the 20th of August, 1864, the sum of $270 in 8 per cent. warrants, and the sum of $1,730 in 6 per cent. warrants; and on the 24th of August, 1864, in 8 per cent. warrants, the sum of $50,075, and in 6 per cent. warrants, the sum of $2,245; making total payments on account of interest in State warrants of every kind, $69,483 33; and total payments on account of interest, both in specie and in State warrants, $71,858 71; leaving balance due on account of interest on March 1st, 1868, of $70,990 87, making entire indebtedness of said company to the special School Fund, on 1st of March, A. D., 1868, $366,790 87.

To recapitulate, these six companies are indebted to the special School Fund, as follows:

Houston and Texas Central	$495,390 00
Buffala Bayou, Brazos and Colorado	499,800 00
Texas and New Orleans	595,166 25
Southern Pacific	202,625 00
Houston Tap and Brazoria	366,790 87
Washington County Road	43,684 96
Aggregate indebtedness	$2,203,457 08

From the foregoing statement it will be seen that not only have all the companies named (except the Southern Pacific) made payments on account of interest, in the State treasury warrants, but that the Washington County Railroad Company also made a considerable payment on the principal of its debt in State warrants. It therefore becomes proper to state the authority, or pretended authority, under which these payments in treasury warrants were made. Your committee believes that the first step towards authorizing such payments was taken by the Tenth Legislature, in the passage of an act entitled, "An Act authorizing the Comptroller of the State to receive from railroad companies in this State the interest that may be now due, or hereafter become due on their bonds." This act was approved December 16th, 1863, and provided that the Comptroller should be authorized to receive from railroad companies all interest on their bonds then due, or afterwards to become due, provided the same should be tendered in State bonds or in State treasury warrants, previous to the meeting of the next regular session of the Legislature. The act also provided that for all sums so paid in, the Comptroller and Treasurer should issue to the special School Fund, the bonds of the State bearing six per cent. interest. The next step in this direction was taken at the called session of the Tenth Legislature, by the passage of an act amending the act above referred to, and providing that the act of December 16th, 1863, should not apply to railroad companies that might fail or refuse to receive State bonds or State treasury warrants at par, for freight or passage, at the prices or rates established by law; and it was made the duty of the Comptroller to refuse to receive State bonds or treasury warrants, for the interest due on their bonds, from companies that failed or refused to receive such bonds and warrants at par for freights or passage at the rates established by law. This second act was approved May 28th, 1864. The last action on this subject was that of the Tenth Legislature at its second extra session, in the passage of an act entitled, "An Act to authorize railroad companies to discharge their indebtedness to the special School Fund with the treasury warrants and bonds and coupons of the State." This act provided that the railroad companies indebted to the School Fund should continue to have the privilege of paying their interest in treasury warrants and bonds and coupons of the State; and that such companies might also discharge the whole or any part of the principal of their indebtedness to the School Fund in the same manner, provided such railroad companies should satisfy the Comptroller that the treasury warrants and bonds and coupons of the State were received by them at par, with specie for freights and passenger travel. This last act was approved November 15th, 1864, and provided that all treasury warrants and bonds and coupons, that might be received in the treasury under its provisions should be cancelled, and that the Comptroller should issue bonds of the State bearing six per cent. interest to the School Fund, for the amount paid in. Your committee has received no direct communication from any of the railway companies indebted to the School Fund, except the Houston and Texas Central Railway Company. The President of that company has addressed a written communication to the Chairman of your committee, accompanied by a printed pamphlet, setting forth the condition, purposes, prospects and wants of said company. This company has become the owner of the Washington County Road. This Washington County Road is twenty-five miles in length, extending from the town of Hempstead, a few miles east of the Brazos river, to the town of Brenham, which is the county seat of Washington county. The Houston and Texas Central Railway Company desires to have the Washington County Road declared to be a branch of the Central, and it wishes to have the privilege of extending this branch from the town of Brenham to the city of Austin. At the close of the war the Central Road was eighty miles in length; since which time the company has built twenty additional miles and opened the same to travel and traffic. The President informs your committee that thirty miles more of road are now under contract and in process of construction, and will be completed and opened to travel and traffic by the first of October next. The President claims that the company is solvent; that since the close of the war, the road, then broken down, dilapidated and unsafe, has been renewed and made safe, its bridges renewed, stone supports put in the place of wooden ones, new ties, new locomotives and cars costing $209,000 procured, the floating debt taken up, and back interest to foreign and Northern bond-holders and creditors fully paid, and the credit of the road built up and established. The President says that the gross earnings of the road, since the war, have been about six hundred thousand dollars per annum, and the legitimate expenses about forty per cent. of the earnings. He says that no dividends have been made of the earnings amongst the stockholders, but that the whole amount of the earnings has been used to repair and extend the road. Your committee believes this company to be solvent, and desirous to extend its roads as rapidly as possible, and proposes, at an early day, to make its affairs the subject of a further report.

The Texas and New Orleans Road is represented to be in very bad condition. The bridge over the Trinity river is stated to be unfit for use, and the road generally in a state of extreme dilapidation. Cars have ceased to pass over it. This road is believed to be greatly needed by the people of Texas, and with a connection with New Orleans would certainly be a very valuable property. The present company has not shown the ability to make the road serviceable to the public, and under its present management it will soon cease to be, if it has not already ceased to be, an adequate security for the large sum due to the School Fund.

The same, in the judgment of your committee, is true of the Buffalo Bayou, Brazos and Colorado Railway. This road has been for several years in operation, and while the company is in arrears of interest to a large amount to the School Fund, your committee is informed that the company owes a large floating debt, for which it is not able to provide; that its stock is very greatly depreciated in value, and the road suffering greatly for want of repairs. These two last named companies are indebted to the State more than a million of dollars, and the two roads in the hands of companies able to keep them in good condition, ought to be ample security for the amount due, or even for a larger sum. They must always be important lines, enjoying the advantage of much travel and traffic. Your committee does not hesitate to express the opinion that immediate steps ought to be taken to rescue these roads from the hands in which they now are, and to make them a perfect security for the debts due by the present companies, to the School Fund, and also to make them more widely beneficial to the people of the State. Your committee is of opinion that these desirable objects can easily be accomplished. These roads are valuable, and must attract the attention of capitalists. Let the roads be sold, but in such manner and upon such conditions that there will be no sacrifice of the School Fund, or of any part of it.

What your committee has to propose on this subject is embodied in an accompanying declaration or ordinance, which your committee hopes will receive the favorable consideration of the Convention.

The Southern Pacific Road is also a valuable property, and the State ought not to lose any part of the debt of the company owning the road to the School Fund. This road has been sold under execution, as your committee has been informed, and is now conducted in the interests of a very few individuals. Your committee is of opinion that the State should foreclose its mortgage upon this road, and it is embraced within the provisions of the ordinance relating to the Houston and New Orleans Road, and the Buffalo Bayou, Brazos and Colorado Railroad.

The changed condition of the country on the lower Brazos and Colorado, growing out of the events of the war, has made the Houston Tap and Brazoria Railroad of but little value. It is the opinion of your committee, based on what is deemed reliable information, that this road cannot long be maintained. There is not travel and traffic sufficient to sustain it. The only return which this road can make to the School Fund will probably be such sum as can be obtained for the iron, and in order to find a purchaser for the iron of this road, such purchaser must have authority to remove the iron and use it elsewhere. The only question concerning the disposition to be made of this road is: Will the State take such a course as to realize some portion of the debt to the School Fund, or will the road be permitted to fall into absolute ruin, so that no part of the debt to the School Fund can ever be recovered? Your committee is of opinion that this road ought to be sold, with a right on the part of the purchaser either to run the road under the laws of the State, or to remove the iron from the same. In this way a portion of the debt can be saved; in no other way can any part of it be recovered. Your committee presents herewith an ordinance or declaration respecting the sale of this road. Whether the act of the 7th of February, 1861, giving the right to the Texas and New Orleans Railway Company to execute a first mortgage on that portion of its road between the Trinity river and the city of Houston, is to be treated as having the force of law or not, your committee entertains no doubt of the right of the State to sell the whole line of said railway, subject to the lien created under the provisions of said act. Such right is clearly to be deduced, in the judgment of your committee, from the provisions of the 3d, and 11th and 12th sections of the act of the 13th August, 1856; and so far as the right of the State to vary the manner of sale for the purpose of collecting the debts due the School Fund, from that prescribed by the act of 1856, may be called in question, your committee deems it only necessary to refer to the 14th section of the said act of 1856, which is in the following terms: "The State of Texas expressly reserves the right to enact hereafter all such laws as may be deemed necessary to protect the interest of the special School Fund, in securing the payment of said bonds, and in enforcing the lien reserved thereon." This right of the State, it will be seen, to make any change that may be deemed necessary in the manner of sale or in the terms and conditions of sale for the purpose of enforcing its lien, is one of the fundamental conditions of the loan; and none of the delinquent companies can be heard to complain that the State now exercises this right.

Your committee forbears, on account of the necessary length of this report, to present to the Convention further arguments in support of the recommendations embodied in the accompanying declarations or ordinances.

Your committee feels confident that the great importance of the subject here presented will secure from the Convention the deliberate consideration of this report, and wise action in the premises.

All of which is respectfully submitted,

J. W. FLANAGAN,
Chairman.

A DECLARATION.

SECTION 1. *It is hereby declared by the Delegates of the people of Texas, in Convention assembled,* That it shall be and is hereby made the duty of the present Provisional Governor of this State to cause the following named railroads to be sold, for the payment of the indebtedness of the companies owning them, respectively, to the Special School Fund of the State, to-wit: the Buffalo Bayou, Brazos and Colorado Railroad; the Texas and New Orleans Railroad; and the Southern Pacific Railroad.

SEC. 2. It shall be the duty of the Governor, as soon after the passage of this act as may be consistent with his other official duties, to cause said railroads to be advertised for sale, for sixty days, in the following named newspapers, to wit: the San Antonio Express, the Austin Republican, Flake's Galveston Bulletin, the Galveston News, the National Index, at Tyler, Smith county, some newspaper in the city of Marshall, Harrison county, and one leading paper in the city of New York. The sale shall take place on the steps of the Capitol, in the city of Austin, between the hours of ten o'clock, A. M., and two o'clock, P. M., under the direction of the Governor. The said roads shall be sold separately. The sale shall transfer to the purchaser all the property in the road and of the company to which the road belongs, upon which the bonds executed for the loan of the special school fund are a lien, as set forth in the third section of the act of the thirteenth of August, A. D. 1856, concerning the loan of the School Fund.

Sec. 3. For the purpose of the sale herein contemplated, it is hereby declared that the Buffalo Bayou, Brazos and Colorado Railroad Company was indebted to the Special School Fund of the State, on the first day of March, A. D. 1868, in the sum of $499.800, principal and interest; that the Texas and New Orleans Railway Company was indebted to the Special School Fund, on the same day, in the sum of $595,166 25, principal and interest, and that the Southern Pacific Railway Company was indebted to the Special School Fund, on the same day, in the sum of $202,625, principal and interest.

Sec. 4. The sale of these roads shall be at public auction; and if any person shall bid for either of said roads the whole amount of the debt due by the company owning the road to the Special School Fund, with interest to the day of sale, the whole amount to be paid down in coin, it shall be the duty of the Governor to accept such bid, and to cause the road in question to be knocked off to such purchaser, provided he cannot obtain a better bid in cash; but, if no person shall bid the whole amount due by the companies owning said roads respectively, it shall be the duty of the Governor to bid for each of said roads the whole amount due by the company to which the road belongs to the School Fund, and thus purchase each of said roads for the State; and upon the making of such bid by the Governor, and his public declaration that he purchases said roads for the State, said roads shall become the property of the State; and the Governor shall, on the same day, file in the office of the Secretary of State a written declaration that he purchased said roads, or either or any of them, as the case may be, for the State, which declaration shall be attested by the Secretary of State and the seal of the State.

Sec. 5. If any person other than the Governor shall become the purchaser of said roads, or either or any of them, then it shall be the duty of the Governor, after the payment of the price, to give to such purchaser a certificate of sale, signed by himself officially, and attested by the Secretary of State, using the seal of the State; which said certificate, after being recorded in the office of the Secretary of State, shall be delivered to the purchaser, and shall vest in said purchaser full title to the road or roads so purchased, with all the rights, franchises, property, &c., &c., set forth in the third section of the act of the thirteenth of August, 1856, concerning the loan of the School Fund.

Sec. 6. If the Governor shall purchase either or any or all of said roads for the State, he shall have, and is hereby vested with power to resell either or any or all of said roads to any person or company or association of persons that can show, to the satisfaction of the Governor, the pecuniary ability to put said road or roads in complete running order for the use of the public; and that shall also enter into contract with the Governor to put such road or roads in complete running order within a reasonable time; and any person or company or association of persons proposing so to contract with the Governor for the purchase of one or more of said roads, shall, in such contract, stipulate that the bonds of the former company or companies, for the sums borrowed from the School Fund, shall continue to be a first lien on said road or roads, for the amounts due said School Fund; and in making any such contract the Governor shall, as the representative of the State, stipulate that the party purchasing either or any or all of said roads shall have an extension of time for payment of the bonds of the former company or companies for the amounts due to the School Fund, of twenty years from the date of such contract; and such contract shall also contain a stipulation that if the party purchasing either or any or all of said roads shall make default for a period of thirty days in the payment of the interest upon said bonds, then the principal as well as the interest of said bonds shall be deemed to be due, and the State shall have the right to proceed to sell the road or roads upon which the bonds so becoming due are a lien, in such manner as is now or may hereafter be prescribed by law. Such resale and contract with the Governor shall subrogate the party purchasing to all the rights and privileges granted by the charter or charters of the company or companies sold out, and shall subject the party purchasing to all the provisions of the laws of the State as fully as the sold out company or companies was or were.

SEC. 7. If the Governor shall not make any re-sale of said roads or either or any of them before the first day of the meeting of the next Legislature of the State, then his power to re-sell said roads or such of them as at that time have not been re-sold by him, shall cease, and it shall be the duty of the Legislature to make such disposition of such roads or road as may be the property of the State, as will best protect the Special School Fund, and subserve the interests of the public.

SEC. 8. In the event that the Governor shall purchase any or either of these roads for the State, as hereinbefore provided, he shall have authority to take possession of the roads or road purchased, and to appoint a receiver or receivers, to control and manage the same for the State, under his direction, until a re-sale shall be made, or until the Legislature shall otherwise direct.

SEC. 9. In the event of a purchase of these roads, or either of them, from the Governor, under the provisions of the sixth section of this declaration, nothing in this declaration contained, and nothing in the contract which the purchaser may enter into with the Governor, shall be construed or understood to deprive the Legislature of the power to control said roads by law, or to make any further agreement with such purchaser as may be deemed beneficial to the roads or to the public, and conducive to the security of the School Fund.

SEC. 0. It shall be the duty of the Governor to recite this declaration in the advertisement of said roads for sale.

A DECLARATION.

SECTION 1. *It is hereby declared by the delegates of the people of Texas, in Convention assembled*, That it shall be and is hereby made the duty of the present Provisional Governor of the State to cause the Houston Tap and Brazoria Railroad to be sold for the payment of the indebtedness of the company owning the same, to the Special School Fund of the State.

SEC. 2. As soon after the passage of this ordinance as may be consistent with his other official duties, the said Provisional Governor shall cause the said railroad to be advertised for sale for sixty days, in the following newspapers: the San Antonio Express, the Austin Republican, Flake's Galveston Bulletin, the Houston Telegraph; and for at least forty days in some leading paper in the city of New York. The sale shall take place in front of the Capitol, in the city of Austin, between the hours of ten o'clock A. M. and two o'clock P. M. The sale shall be at public auction and under the direction of the Provisional Governor. The sale shall be for cash to be paid down in gold or silver money of the United States, or in its equivalent in United States currency, on the day of sale.

SEC. 3. As there may be some question as to the rights of a purchaser under the existing law of the State, it is hereby declared that any purchaser of this road shall have the right either to run and manage said road in conformity with the charter of the company now owning the same, and subject to the laws of the State in the premises, or to take up and remove the iron from said road; but if the use of said road shall ever be discontinued and the iron removed from the same, then the franchises granted in the charter authorizing the construction of said road shall revert to the State of Texas.

SEC. 4. If any person shall appear and bid for said road and become the purchaser thereof on the day fixed for the sale, it shall be the duty of the Governor to give to such purchaser a certificate of the sale and purchase, which shall be signed by the Governor officially, and attested by the Secretary of State, and the seal of the State; which said certificate shall be recorded in the office of the Secretary of State before being delivered to the purchaser; and such certificate shall vest full title to said road in the purchaser, with all the rights and privileges accorded by the charter of said road, by the laws of the State, and by this declaration.

SEC. 5. No bid for a less sum than twenty-five thousand dollars in coin for said road shall be considered by the Governor; and if there be no sale made of the road aforesaid, then it shall be the duty of the Legislature, at its first session, to make such disposition of said road as may be deemed necessary and proper.

Mr. Flanagan moved a suspension of rules for consideration of report.

Rules suspended.

Mr. Flanagan moved that two hundred copies of the report be printed, and that it be made the special order for next Thursday, July 16, 1868, at ten o'clock.

Carried.

Mr. Bledsoe offered the following declaration:

DECLARATION

Authorizing the Police Court of Dallas county to levy a special tax, etc

WHEREAS, Several citizens of the county of Dallas have memorialized this Convention to pass an ordinance authorizing the Police Court of said county to levy and collect a tax of five thousand dollars in specie, to be expended under the direction of said court in removing obstructions in the Trinity river, between the town of Dallas and the mouth of East Fork; and

WHEREAS, The citizens of the town of Dallas have signified their willingness that one-third of said tax shall be paid by those owning property within the corporate limits of said town; and

WHEREAS, The enterprise is of great importance to the citizens of the town and county of Dallas, and should be encouraged; therefore,

Be it declared by the delegates of the people of Texas, in Convention assembled, That the Police Court of the county of Dallas be and is hereby authorized to levy and collect a tax of five thousand dollars in specie upon all property in Dallas county subject to *ad valorem* taxation; the said tax to be assessed upon the schedule or lists rendered to the Assessor for the year 1868; said money to be expended under the direction of the Police Court in removing obstructions in the Trinity river between the town of Dallas and the mouth of East Fork: Provided, that one-third of the amount shall be collected from the property situated within the corporate limits of the town of Dallas: And provided further, that the tax levied shall not be more than twenty cents on each hundred dollars, except on property within the corporate limits of the town of Dallas, which may be taxed as high as sixty cents for each hundred dollars.

Be it further declared, That a certified copy of this declaration, signed by the President and countersigned by the Secretary, be forwarded to the said Police Court, and that this declaration take effect from and after its passage.

On motion, the declaration was referred to the Committee on Internal Improvements.

Mr. Bledsoe presented a memorial from Dallas county, respecting the navigation of the Trinity river, and asked its reference to the Committee on Internal Improvements:

MEMORIAL.

To the Honorable President and Members of the Constitutional Convention, now in session at the city of Austin:

Your memorialists, citizens of the county of Dallas, respectfully represent unto your honorable body that the recent arrival of the steamboat Job Boat No. 1, Captain J. H. McGarvey, master, at the town of Dallas, establishes the fact that the Trinity river can be successfully navigated from the city of Galveston to the town of Dallas for six months annually, by the expenditure of a small sum of money in removing snags, leaning timber, and other obstructions between the town of Dallas and the mouth of East Fork. An experienced steamboatman of twenty years' practice has proposed to the citizens of Dallas county to remove all the obstructions in the river between the above designated points, so that boats of sufficient capacity to carry five hundred bales of cotton can run the river to Dallas for four months of the year, for the sum of five thousand dollars in specie. A project promising advantages so great to every department of industry and enterprise should demand the especial attention, not only of the people of Dallas county, but of the whole State. The benefits flowing to the people of Dallas county from the success of such an enterprise are not to be measured or estimated by the small sum proposed to be expended; in fact they are beyond enumeration. To the State, of opening up to successful navigation a stream penetrating her interior a distance of seven hundred miles from her seaboard, securing the rapid settlement of millions of acres of rich and fertile lands by thrifty and enterprising emigrants, which are now lying idle and yielding but little revenue to the State, and none to the owner. The saving in the single item of pine lumber in one year will fourfold restore the amount expended, beside the advantage of the great reduction of prices in the items of salt, sugar, iron and other articles of necessary consumption. The immense pineries of the counties of Anderson, Houston and Walker, almost valueless in their present condition, remain standing because of the slow and expensive means of transportation to the prairies, where every description of pine lumber is in constant demand. Navigation to Dallas three months annually would reduce the price of pine lumber one-half, thereby bringing it within the reach of every farmer to supply himself for the improvement of his farm and home.

To raise this money by private contribution would naturally become onerous upon those who are determined on the success of the enterprise, while those, for reasons whether selfish or otherwise, refusing to contribute, would reap an equal benefit. Therefore your memorialists are impressed that a more proper and just course would be to levy a sufficient tax upon the property in Dallas county to raise the sum of five thousand dollars in specie, and as the citizens in the town of Dallas have signified their willingness, let the tax be so levied that one-third of the whole amount shall be paid by those owning property within the corporate limits of said town.

Your memorialists are aware that more properly this petition should be presented to the Legislature when it assembles, but the delay of such a course would compel the loss of the advantages of at least one season, and perhaps more, the importance of which needs only to be mentioned to command its reason. Feeling that you will not hesitate to act in a public enterprise of so much magnitude, and especially when those to be burthened are asking the action, we therefore ask your honorable body to pass an ordinance authorizing the Police Court of Dallas county to levy and collect a tax of five thousand dollars in specie upon all property in Dallas county subject to *ad valorem* taxation, the said tax to be assessed upon the schedule or lists rendered to the Assessor for the year 1868; said money to be expended under the direction of the Police Court in removing the obstructions in the Trinity river between the town of Dallas and the mouth of East Fork. Provided, that one-third of the amount shall be collected from the property situated within the corporate limits of the town of Dallas; and provided further, that the tax levied shall not be more than twenty cents on each hundred dollars, except on property within the corporate limits of the town of Dallas, which may be taxed as high as sixty cents for each hundred dollasr.

Dallas, Texas, June 4, 1868.

Ben. Long, Clerk District Court; M. Therenet, Deputy District Clerk; J. A. Freeman, John Davis, Henry Notzli, Jacob Vogel, Henry Brannon, Wesley Brannon, John Poindexter, J. Pinckney Thomas, Henry Ball, John Ball, John F. Barbier, Wm. A. Hartze, Joshua Addington, John L. Pyles, H. C. Caldwell, D. J. Capps, Thomas J. Brown, W. W. Peak, T. A. Wilson, J. J. Applin, L. Vengeiriderbeek, Ed. C. Browder, J. B. Louchre, J. H. Wilson, J. W. Galbreath, M. G. Pitts, T. J. Pitts, Howard Mercer, R. D. Jones, F. F. Green, Thos. S. Moore, R. N. Daniel, B. B. Howell, Daniel Cornwell, Thos. H. Nance, John King, Sam. King, J. Beak, Jas. Galbreath, A. J. Goriffe, Otto Frick, F. L. Behng, L. P. Hausser, Jacob Vogel, Julien Preverchon, Wm. Jackson, Jacob Tiler, James C. Miller, S. H. Beeman, F. L. Churignon, J. D. Keaton, N. T. Johnson, W. A. Harwood, J. M. Braun, E. W. Field, A. L. Carnett, Martin Rigg, Wm. Irwin, Wm. B. Cole, S. Mayer, Wm. A. Riggs, W. H. Saunders, F. Davis, Wm. D. Watters, E. T. Myers, R. L. Sears, Frank M. Cox, Newton Hutchen, W. VonGronderbeek, Alexius Barbier, F. Priot, G. Poiteyin, J. Nussbaum, M. Livy, J. McCommas, Chas. O. Vingard, Allen Collins, N. B. Owen, R. B. Gannaway, Jas. Winters, E. G. Bowen, J. K. P. Record, Nat. M. Burford, T. G. T. Kendall, H. W. Ragsdale, J. M. Richards, Jonathan Petty, J. W. Bumpass, A. Pemberton, W. L. Hall, J. W. Everett, Jas. O. Thomas, John D. Kerfoot, W. Mays, John Chenault, J. T. Coin, J. W. Cobb, T. B. Scott, H. L. Hicks, S. S. Jones, Sam. Dunaway, Isaac Jones, Enoch Strait, J. M. Martin, Isaac B. Webb, W. D. Chapman, Daniel Bates, Joseph Bigler, Raleigh C. Martin, R. D. Caughaman, Jas. H. Field, J. C. Drake, jr., W. F. Flewellen, D. J. Ellis, J. M. White, Chas. R. Pryor, E. E. Russell, John P. Isbell, S. B. Stone, J. J. Beeman, J. M. Pruitt, J. W. Miller, H. C. Smidt, Amos McCommas, W. J. Pruitt, F. N. Humphreys, J. P. Beeman, L. B. Sands, F. F. Ball, Tom Johnson, Jim McComas, Andrew Pruitt, John Chenault, J. H. Smith, T. J. Jackson, J. Jeffries, Lewis Pyles, G. L. Blewett, J. T. Corcoran, J. R. Fandren, J. B. Lowry, Geo. White, W. T. Gill, G. W. Hatter, Sam Uhl, A. S. Clark, N. R. Fondren, George Masier, W. Cotton, John Caudle, R. S. Grey, Wm. Waters, John Harvey, Jerry Snow.

The President announced the hour had arrived to take up the report of the Committee on Federal Relations upon the motion of Mr. Mills to cede the county of El Paso to the United States.

Mr. Degener moved to refer the subject to the Committee on the Division of the State.

Mr. Thomas moved that the whole matter under consideration be postponed and made the special order of the day for the first day of October, 1868, at ten o'clock.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Glenn, Hunt, Keigwin, Kuechler, Leib, Lippard, Long, Morse, Mullins, Newcomb, Patten, Rogers, Smith of Galveston, Thomas, Wilson of Milam—31.

Nays—Messrs. Brown, Burnett, Cole, Constant, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Gray, Grigsby, Hamilton of Travis, Harris, Harne, Johnson of Calhoun, Johnson of Harrison, Jordan, Kealy, Kendal, Kirk, Lindsay, McWashington, Mills, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Stockbridge, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—44.

So the Convention refused to postpone.

On motion of Mr. Armstrong, of Jasper, Mr. Kirk was indefinitely excused from attendance upon the Convention.

The question recurring upon Mr. Degener's motion to commit the subject to the Committee on Division of the State,

The Convention agreed to the motion.

The President announced the business in order was upon the motion of Mr. Mills to reconsider the vote postponing indefinitely the consideration of the report of the Committee on Division of the State.

Mr. Degener moved a call of the House.

Seconded.

Mr. Degener moved a suspension of the call.

Carried.

Mr. Hamilton, of Travis, moved a call of the House.

Seconded.

Mr. Evans, of McLennan, raised a point of order, viz: that a majority of the Convention cannot suspend the call of the House.

The President decided that a call of the House could be suspended by a majority thereof. From which decision Mr. Evans, of McLennan, appealed. And upon the question being put, "Shall the decision of the President stand as the decision of the House," the Convention sustained the decision of the President.

Mr. Sumner moved a call of the House.

Seconded.

Mr. Hamilton, of Travis, moved an adjournment till Monday morning, at nine o'clock, upon which the yeas and nays were called and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Bell, Bellinger, Carter, Cole, Coleman, Fleming, Glenn, Gray, Grigsby, Hamilton of Travis, Harne, Johnson, of Calhoun, Long, McCormick, Morse, Muckleroy, Mundine, Rogers, Scott, Smith of Marion, Stockbridge, Vaughan, Williams, Wilson, of Brazoria.—25.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bledsoe, Board, Brown, Bryant, of Grayson, Buffington, Burnett, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Harris, Hunt, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, McWashington, Mills, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of San Augustine, Phillips of Wharton, Posey, Ruby, Schuetze, Slaughter, Smith, of Galveston, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Wilson of Milam, Wright, Yarborough.—54.

So the motion to adjourn was lost.

Mr. Mullins moved the call of the House be suspended, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Armstrong, of Lamar, Brown, Buffington, Burnett, Carter, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, Foster, Gaston, Glenn, Harris, Hunt, Jordan, Kendal, Kuechler, Leib, Lippard, Long, McCormick, McWashington, Mills, Muckleroy, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith, of Galveston, Sumner, Varnell, Vaughan, Watrous, Whitmore, Williams, Wright, Yarborough.—51.

Nays—Messrs. Adams, Bell, Bellinger, Bledsoe, Board, Bryant, of Grayson, Cole, Coleman, W. Flanagan, Fleming, Gray, Grigsby, Hamilton, of Travis, Harne, Kealy, Keigwin, Lindsay, Morse, Phillips, of San Augustine, Posey, Scott, Smith, of Marion, Stockbridge, Talbot, Thomas, Wilson, of Brazoria, Wilson, of Milam.—27.

So the call of the House was suspended.

The question recurring: "Shall the vote indefinitely postponing the consideration of the report of the Committee on Division of the State be considered?" the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bledsoe, Board, Brown, Buffington, Burnett, Carter, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Foster, Harris, Hunt, Johnson, of Calhoun, Jordan, Kealy, Kendall, Kuechler, Leib, Lippard, Long, McWashington, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Varnell, Vaughan, Whitmore, Williams, Yarborough—47.

Nays—Messrs. Armstrong, of Jasper, Bell, Bellinger, Bryant, of Grayson, Cole, Coleman, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harne, Keigwin, Lindsay, McCormick, Mills, Morse, Mundine, Phillips, of San Augustine, Posey, Rogers, Scott, Stockbridge, Sumner, Talbot, Thomas, Watrous, Wilson, of Brazoria, Wilson, of Milam, Wright—31.

So the vote was reconsidered.

Mr. Pedigo moved the subject be made the special order for Wednesday, July 13, at ten o'clock.

Lost.

Mr. Degener moved to make it the special order for Monday, at ten o'clock, upon which the yeas and nays were called.

Pending the vote, the Convention under the rules adjourned till Monday morning, at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 13, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Smith, of Galveston, presented a petition from H. Rodefeld, and asked its reference to the Committee on General Provisions.

To the Honorable Convention of the State of Texas,
Now in Session at the City of Austin.

The petition of Henry Rodefeld, a resident citizen of the county of Galveston, and State of Texas, respectfully represents:

That your petitioner, on the .... day of........ 1861, a the city of Galveston, in said State, intermarried with one Catherine Cordes; that said Catherine lived with your petitioner for about three months, and then left his home, being impelled thereto by an aberration of intellect, amounting to insanity; that as her husband and protector, your petitioner sought her out and compelled her to return to his home and protection; that subsequently the said Catherine became completely insane, and with the consent of your petitioner was placed in charge of her brother, to whom she was very much attached; that in the year 1862, her insanity assumed such a serious shape, and seemed so hopelessly permanent and incurable, that she was consigned to the Asylum at the city of Austin, provided for insane persons, and that since said year 1862, she has remained in said Asylum, in the same condition as to mind as when she was placed there, and without any hope on the part of petitioner, or her relations, that her reason will ever be restored.

Your petitioner further says that since his intermarriage with the said Catherine Cordes, he has learned that before his marriage with her, she was often and frequently insane, but that she had intervals of apparent soundness of mind; of which fact your petitioner was wholly ignorant at the time of his marriage with her.

Your petitioner further states that the said Catherine, at the time of his marriage with her, had such an interval of apparent soundness of mind as to entirely and perfectly deceive him as to the condition of her mind; so much so as to induce him to believe that the said Catherine had been during her whole life, of sound mind, and especially that she was of sound mind at the time of her marriage with your petitioner; and your petitioner, under this belief, entered into said marriage with the said Catherine.

And your petitioner is advised by counsel learned in law, and he so believes, that if the said Catherine had such a lucid interval of soundness of mind at the time of said marriage, as would have rendered her competent to enter into and make a valid contract, then the said marriage was valid and binding upon your petitioner, for the reason that the consent required by law to make a valid contract in such an event was given, and that his marriage contract with the said Catherine would be held valid in such an event, even though she had been frequently insane before her marriage, and subsequently became wholly insane.

And your petitioner further states that such was the character of the lucid interval or period of soundness of mind of the said Catherine, at the time of marriage, that it would be impracticable, if not impossible, to prove conclusively to the satisfaction of a jury, that she was of such unsound mind at the time of marriage as to render her incompetent to enter a valid marriage contract.

Your petitioaer is further advised by counsel, and so believes, that he is without relief or remedy either in the Legislature or in the courts of the country, by enacting or decreeing a divorce, for the following reasons, to wit:

1. The Constitution of the State prohibits the Legislature from granting divorces.—*Art. VII., Sec.* 13, *of the Constitution.*

2. The courts of the country have not been invested with the power to grant divorces on account of insanity.—*See Article* 607, *O. & W. Digest.*

3. Though at Common Law a marriage contract is void if at the the time of marriage one of the contracting parties is of such unsound mind as to render him or her incompetent to enter into a valid contract, and the courts have the power to declare such marriage contracts void on the ground of want of capacity to consent in such party. But, as already stated, if such contracting party, at the time of marriage, was of such sound mind as to be competent to contract, then such marriage is valid, though such party was insane before the marriage, and subsequently became permanently insane. And it has been already stated that the said Catherine was, at the time of said marriage, of such apparent soundness of mind as to be competent to enter into a valid contract, and that it would be impracticable, if not impossible, to prove satisfactorily to the contrary.

Wherefore your petitioner respectfully submits that he, being without relief or remedy in the Legislature or courts of the country, presents an equitable case for the interposition of the extraordinary powers of this Convention in his behalf. Wherefore he prays that the honorable Convention do ordain and declare that the bonds of matrimony between your petitioner and the said Catherine Cordes be forever dissolved.

All of which is respectfully submitted.

H. RODEFELD.

THE STATE OF TEXAS, }
COUNTY OF GALVESTON. }

Before the undersigned, Edward T. Austin, a Notary Public in and for said State and county, this day came and appeared Henry Rodefeld, to me personally well known, who having been by me duly sworn upon oath, said the facts set forth in the foregoing memorial and petition, are true, and at the same time, in my presence, subscribed said memorial and petition.

To certify all of which, I hereto subscribe my official signature as such Notary Public, and affix my seal of office at the city of Galveston, Texas, this the sixth day of July, A. D., 1868.

EDWARD T. AUSTIN,
Notary Public for Galveston County.

TEXAS STATE LUNATIC ASYLUM,
July 10, 1868.

Mrs. Catherine Rodefeld, lunatic, in this institution, was stated to have been insane five years at the time of her admission into the Asylum, June, 1862, constituting now a period of eleven years; and while most medical superintendents regard cases of insanity of over one year's standing very doubtful of recovery, experience has shown that some cases of protracted insanity do recover; yet our prognosis in the case of Mrs. Catherine Rodefeld is unfavorable to a cure, or mental amelioration.

B. GRAHAM, M. D.,
Superintendent Lunatic Asylum.

THE STATE OF TEXAS,
COUNTY OF GALVESTON.

The undersigned having been duly sworn upon oath, say that Catherine Cordes, wife of Henry Rodefeld, was, before her marriage to him, in 1861, often and frequently insane—that is, out of her right mind; and that after his marriage to her she became completely insane, and is now, as we are informed and believe, confined in the Insane Asylum, at Austin, Texas, as hopelessly insane.

M. MARI WALSTEIN.

Sworn to and subscribed before me at Galveston, this 20th day of June, 1868.

Witness my hand and notarial seal this 20th day of June, 1868.

[L. S.] EDWARD T. AUSTIN,
Notary Public, for Galveston county.

STATE OF TEXAS,
COUNTY OF GALVESTON.

The undersigned, citizens of the State of Texas, and county of Galveston, certify that we have known Henry Rodefeld for the last ten years, as a citizen of said State and county; that he has always promptly discharged his duties as a good and loyal citizen to the United States and to the State of Texas, and would favorably recommend him to the consideration of the Convention now in session, at the city of Austin, Texas, in the matter of his application for a divorce from his wife, Catherine Rodefeld, now confined in the Insane Asylum, at Austin, as hopelessly insane.

H. Mauritz,
K. P. Brockerson,
H. C. L. Asdroff,
H. Rosenberg,
Peter Bock,

John Schmidt,
Adam Wallstein,
Christ Werner,
Henry Muller,
Louis Sgriess,

C. A. Kauffman,
M. Schurtterle,
R. B. Dorwell,
Hiram Close,
G. A. Jones,
Geo. Plitt,
Ph. Werdebrergson,
F. Klauss,
—. Rottshafer,
G. Schwarzbark,
H. Korp,
Samuel Wallstein,
Gorg Pfluger,
A. Sagray,
Peter Dunluk,
P. Noenis,
L. Wernberg,
H. Muller,
H. Wedemeyer,
J. Prusslar,
W. Greve,
F. Thiesfeldt.
Jose Gonzales y Martinez,
John Hayes,
W. Welitz,
John Westerlage, City Marshal.

STATE OF TEXAS,
COUNTY OF GALVESTON.

We, the undersigned, citizens and residents of said State and county, hereby certify under oath that we have known Henry Rodefeld, as a citizen of said State and county, for several years past; that he is an honest, hard-working man, and makes a living by draying in the city of Galveston, Texas; and that, according to our best information, judgment and belief, all his property in this State and elsewhere does not exceed in value the sum of three hundred dollars.

GEORGE PORSELL,
LOUIS WEIMBURG,

Subscribed and sworn to before me this 6th day of July, 1868.
Witness my hand and notarial seal this 6th day of July, 1868.
[L. S.] EDWARD T. AUSTIN,
Notary Public, for Galveston county.

THE STATE OF TEXAS,
COUNTY OF GALVESTON.

I, Henry Rodefeld, of said State and county, upon oath say that I am now and for a long time have been making my living by driving a dray, in the city of Galveston, Texas, and that all my property and means in this State and elsewhere does not exceed in value the sum of three hundred dollars.

H. RODEFELD.

Subscribed and sworn to before me this 6th day of July, 1868.
Witness my hand and notarial seal this 6th day of July, 1868,
[L. S.] EDWARD T. AUSTIN,
Notary Public, for Galveston county.

Mr. Evans, of McLennan, Chairman of the Committee on Federal Relations, made the following report:

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Federal Relations, to whom was referred a declaration introduced by Mr. Vaughan, of Guadalupe county, and a declaration introduced by Mr. Hunt, of Comal county, both looking to a recognition of the services of those citizens of Texas who participated as soldiers in the armies of the United States in the suppression of the late rebellion, ask permission to report to this body: That in view of the fact that this Convention has no money at its control, save perhaps the amount necessary to meet the actual expenses of the body; they have substituted the declaration of Mr. Hunt, which proposes bounties in land, for the declaration of Mr. Vaughan, proposing bounties in money to said soldiers.

After making this substitution and carefully examining the provisions thereof, we have concluded to embody the same in a substitute, and ask that it be adopted by this Convention.

Your Committee are entirely aware that the donations now proposed are mere pittances, not enough to excite the cupidity of the most devoted public economist, or to be considered any real compensation to those to whom they are given. Yet such donations constitute a recognition of the services of those citizens, which will be very grateful to them, their families and friends.

We think it safe to affirm that no men, in any age or country, and under similar circumstances, ever exhibited a purer patriotism, or a more devoted self denial, than did those citizens of Texas who left their all behind them—their families to insult and contumely—their property to the avarice and prey of "Receivers" and "Confiscating Judges," and their names to be handed down to infamy as "renegades," in case the rebellion was a success, and boldly followed the true flag. A night of treason rested on the land of their homes. The flag under whose ægis they were born was trailing in the dust in the South, and had met reverses in battle; yet, amid the desolation of the hour, they were firm. Such devotion—such love of country challenges our admiration and demands our recognition, and we recommend it to be given in acts that live and breathe.

Your Committee do not intend or mean to cast obloquy upon other sons of Texas by a recognition of these. No, we would rather "strew flowers upon the graves" of the Confederate dead. We would remember and cherish their virtues, rather than inflict pain upon the feelings of their friends, admirers, and relatives; and we know it is the desire of this Committee, and in fact of all good men, soon to have an opportunity to see and mark a devotion as true and noble, to the old flag of their country, on the part of the late erring sons of Texas, as they gave to the "Lost Cause."

But no feelings of this nature can induce the withholding of justly merited compliment and recognition. A grateful country and people will wipe from the land of those men, and their wives, and their children, the word "renegade," and write instead thereof the talismanic words, "noble sons of Texas."

We will add our aid, if needs be, to have it written in history, upon tablets of stone, and in the hearts of our people, that devotion to the flag of the United States can never bring reproach to the devotee.

A. J. EVANS,
Chairman of the Committee on Federal Relations.

WHEREAS, During the late rebellion, many persons residing in Texas took up arms, and did good services in the armies of the United States, as members of the First and Second Regiments of Texas Cavalry, and in other organizations; and

WHEREAS, The State of Texas has never heretofore recognized the services of these men in any public manner, as has been done by all the other States of the Union, as to their soldiers; and

WHEREAS, These soldiers of Texas in the Union armies have been mercilessly slandered in their good names, and plundered in their property; be it, therefore, declared:

SECTION 1. That every officer and soldier, a resident of Texas at the time of volunteering, and who served as officer, non-commissioned officer, or private, in the First and Second Regiments of Texas Cavalry, Union forces, or in other organizations of Union forces, during the late rebellion, and who died in the said service, or were honorably discharged, shall receive a bounty of land from the State of Texas, as follows: Those who served for a period of six months, or less, shall receive eighty acres of land; those who served for a period of six months or over, and less than twelve months, shall receive one hundred and sixty acres of land; those who served a period of twelve months, or over, shall receive three hundred and twenty acres of land.

SEC. 2. That the Commissioner of the General Land Office of Texas shall issue to the persons entitled thereto, under this declaration, the certificates herein named, upon the presentation, to him, of the authenticated discharge of the person claiming the same; and in case of a loss of said discharge, or a failure to get it, or the death of the applicant before discharge, said certificates for land shall be issued upon a compliance with such rules as the Commissioner of the General Land Office may make, which he is authorized to do.

SEC. 3. The wife, children, or mother and father, or any of them, according to the laws of descent and distribution of the State of Texas, shall take and receive the bounty, herein granted, of any officer, non-commissioned, or private, who may have died without receiving the same; *provided*, that no officer or soldier, a resident of Texas at the time of his entering the service, and who entered organizations other than the said First and Second Texas Cavalry, Union forces, and received a bounty in money or land from any State government or individual fund, other than the United States bounty, shall be entitled to the bounty given by this declaration.

SEC. 4. The bounty here given shall not be subject to the debts of grantee; and the said certificates, in case of death, shall issue directly to the wife, children, or father and mother of the decedent, and may be located upon any public domain in Texas.

SEC. 5. That the commanders, or any of the field officers of the First and Second Texas Cavalry, are hereby authorized to procure from the Secretary of War of the United States, a true copy or copies of the muster rolls of their regiments, and file the same in the Executive office of the State of Texas.

SEC. 6. That this declaration be in force from its passage.

Mr. Lindsay, from the Executive Committee, made the following report:

To the HON. E. J. DAVIS,
President of the Convention of the State of Texas:

SIR: The Executive Committee instructs me to report to the Convention, through you, the accompanying plan (marked A), for the Executive Department of the Government of the State of Texas. It was the unanimous opinion of the committee, that it was the best plan they could suggest, after all the deliberation which they have been able to give to the subject. It will be found to conform, in all its main features, to the Republican principles embodied in most of the State constitutions, and in the Constitution of the United States, differing only in some of its details from the constitutions adopted in other States.

The committee ask that the plan be printed, laid upon the table of members, and its consideration be made the special order of the Convention for some particular day.

L. LINDSAY,
Chairman of the Executive Committee.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department of the State shall consist of a Chief Magistrate, who shall be styled the Governor; a Lieutenant Governor; a Secretary of State; a Comptroller of Public Accounts; a Treasurer; a Commissioner of the General Land Office; an Attorney General; and a Superintendent of Public Instruction.

SEC. 2. The Governor shall be elected by the qualified voters of the State, at the time and places at which they shall vote for Representatives to the Legislature.

SEC. 3. The returns for every election of Governor shall be made out, sealed up, and transmitted by the returning officers to the seat of Government, directed to the Speaker of the House of Representatives; who shall, during the first week of the session of the Legislature thereafter, open and publish them, in the presence of both Houses of the Legislature. The person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be forthwith chosen Governor, by a joint vote of both Houses of the Legislature. Whenever there shall be a contested election for the office of Governor, or of any of the Executive officers to be elected by the qualified voters of the State, it shall be determined by the joint action of both Houses of the Legislature.

SEC. 4. The Governor shall hold his office for the term of four years from the time of his instalment, and until his successor shall be duly qualified. He shall be at least thirty years of age, a citizen of the United States, and a resident of the State of Texas at the time of the adoption of this Constitution; or shall have resided in the State one year immediately preceding his election. He shall be inaugurated on the first Thursday after the organization of the Legislature; or as soon thereafter as practicable.

SEC. 5. The Governor shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he may have been elected. His annual salary shall be five thousand dollars, until otherwise provided by law.

SEC. 6. He shall be Commander-in-Chief of the Militia of the State, except when they are called into the actual service of the United States.

SEC. 7. He may, at all times, require information in writing from all the officers of the Executive Department on any subject relating to the duties of their offices; and he shall have a general supervision and control over them. He shall have the power of removal of each of said officers for misfeasance, malfeasance, or nonfeasance; but the reasons and the causes of such removal shall be communicated in writing by him to the Senate at the first meeting of the Legislature which occurs after such removal, for its approval or disapproval; if disapproved by the Senate, it may restore the displaced incumbent by a vote of that body. If a vacancy occurs in any of the Executive offices, by death, resignation, or removal, or from any other cause, during the recess of the Legislature, the Governor shall have power, by appointment, to fill such vacancy; which appointment shall continue in force till the succeeding session of the Legislature, when he shall communicate such appointment to the Senate for confirmation or rejection. If it be confirmed by the Senate, the tenure of office shall continue until the regular return of the periodic election of such officer.

SEC. 8. He shall have power, by proclamation, on extraordinary occasions, to convene the Legislature at the seat of Government; or at any other place, if the prevalence there of a dangerous disease, or the presence of the public enemy should make it necessary. He shall also have power to adjourn the Legislature to such time as he thinks proper, whenever the two Houses shall disagree upon the question of adjournment; Provided, however, that such adjournment shall not be made to a period beyond the day of the next regular session of the Legislature.

SEC. 9. He shall, from time to time, give to the Legislature information in writing of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves and pardon; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason; and to this end, he may respite a sentence therefor until the close of the succeeding session of the Legislature.

SEC. 12. The Governor, by and with the advice and consent of the Senate, shall appoint a convenient number of Notaries Public, not exceeding six, in each county, who, in addition to the duties usually attached to such office, shall discharge such other duties as may, from time to time, be prescribed by law.

SEC. 13. Nominations to fill vacancies, occurring in the recess of the Legislature, shall be made by the Governor during the first ten days of its session. And should any such nomination be rejected, the same person shall not again be nominated during the session to fill the same office.

SEC. 14. During the sessions of the Legislature, the Governor shall reside where its sessions are held; and at all other times at the capital, except when, in the opinion of the Legislature, the public good may otherwise require.

SEC. 15. No person, holding the office of Governor, shall hold any other office, or commission, civil or military.

SEC. 16. At the time of the election of a Governor, there shall also be elected by the qualified voters of the State, a Lieutenant Governor, possessing the same qualifications as the Governor, and who shall continue in office for the same period of time. He shall, by virtue of his office, be president of the Senate; and shall have, when in Committee of the Whole, the right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability, or refusal of the Governor to serve; or of his impeachment, or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified; or until the Governor, impeached, absent, or disabled, shall be acquitted, return, or his disability be removed.

SEC. 17. Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect, from its own members, a President for the time being. If, during the vacancy in the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve; or, if he be impeached, or absent from the State, the President of the Senate for the time being shall, in like manner, administer the government, until he shall be superseded by a Governor, or Lieutenant Governor. The compensation of the Lieutenant Governor shall be the same as that of the Speaker of the House of Representatives, and no more; and while acting Governor, the same compensation as the Governor would receive for a like period of service in his office, and no more. The President of the Senate for the time being, if called upon to administer the government, in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service. If the Lieutenant Governor, while acting Governor by succession, shall die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate for the purpose of choosing a President of the Senate for the time being.

SEC. 18. There shall be a Secretary of State, appointed by the Governor, by and with the advice and consent of the Senate; who shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, with all papers, minutes and vouchers relative thereto, before the Legislature or either House thereof, and shall perform such other duties as may be required of him by law.

SEC. 19. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially. The seal shall be a star of five points, encircled by an olive and live-oak branches, and the words "The State of Texas."

SEC. 20. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 21. There shall be a Comptroller of Public Accounts elected by the qualified voters of the State, at the same time and in the same manner as the Governor is elected, and having the same qualifications, who shall hold his office for the term of four years. He shall superintend the fiscal affairs of the State; give instructions to the Assessors and Collectors of the taxes, settle with them for taxes, take charge of all escheated property, keep an accurate account of all moneys paid into the Treasury, and of all lands escheated to the State; publish annually a list of delinquent Assessors and Collectors, and demand of them an annual list of all taxpayers in their respective counties, to be filed in his office, keep all the accounts of the State, audit all the claims against the State, draw warrants upon the Treasurer in favor of the public creditors, and perform such other duties as may be prescribed by law.

SEC. 22. There shall also be a Treasurer of the State, elected at the same time of the election of Governor, having the same qualifications as the Governor and Comptroller of Public Accounts; who shall hold his office for the same period of time. He shall receive and take charge of, all public money paid into the Treasury; countersign all warrants drawn by the Comptroller of Public Accounts; pay off the public creditors upon the warrants of the Comptroller of Public Accounts; and perform all such other duties as may be prescribed by law.

SEC. 23. A Commissioner of the General Land Office shall be elected by the qualified voters of the State, at the same time, and in the same manner, as the Governor, Comptroller of Public Accounts, and Treasurer shall be elected, who shall hold his office for a like period of time, and shall possess the same qualifications. He shall be the custodian of the archives of the land titles of the State;

the register of all land titles hereafter granted; and shall perform all such other duties as may be required by law.

SEC. 24. There shall also be a Superintendent of Public Instruction, whose duties shall be defined by law. He shall be appointed by nomination of the Governor to the Senate for confirmation. He shall hold his office for the term of four years.

SEC. 25. There shall be an Attorney General of the State, having the same qualifications as the Governor, Lieutenant Governor, Comptroller of Public Accounts, Treasurer and Secretary of State; who shall be appointed by the Governor, with the advice and consent of the Senate. He shall hold his office for the term of four years. He shall reside at the capitol of the State during his term of office. He shall represent the interest of the State in all suits, or pleas, in which the State may be a party; superintend, instruct, and direct the official action of the District Attorneys, so as to secure all fines and forfeitures, all escheated estates, and all public moneys to be collected by suit; and he shall, when necessary, give legal advice in writing to all officers of the government, and perform such other duties as may be required by law.

SEC. 26. The Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Attorney General and Superintendent of Public Instruction, shall receive for their services the annual salary now fixed by law; and which shall neither be increased nor diminished, during their continuance in office.

SEC. 27. Should a vacancy occur in either of the offices mentioned in last section, (Sec. 26 of this Art.,) by death, resignation, or otherwise, it shall be filled by appointment by the Governor, if in the recess of the Legislature, and referred by him to the Senate, on its subsequent assembling, for confirmation. If the Senate be in session when such vacancy occurs, then the Governor shall nominate some fit person to that body to fill out the unexpired term of the office.

SEC. 28. An Assessor and Collector of the Revenue of the State shall be appointed by the Governor, by and with the advice and consent of the Senate, in each county of the State. He shall be at least twenty-five years of age; a citizen of the United States, and a resident of the State, and of the county in which he may be appointed, for one year before his appointment; and he shall hold his office for the term of four years. He may be removed by the Governor for sufficient reasons, filed by the Comptroller of Public Accounts in the office of the Secretary of State. When such removal takes place, or a vacancy, for any other cause, occurs in this office, in the recess of the Legislature, the Governor shall fill it by appointment for the unexpired term. He shall receive such compensation as may be prescribed by law.

SEC. 29. Every bill which shall have passed both Houses of the Legislature, shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapprove it, he shall return it with his objections to that House in which it originated, which House shall enter the objections at large upon the journals of the House, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that House, it shall become a law; but, in such cases, both Houses shall determine the question by yeas and nays, with the names of the members respectively entered upon the journals of each House. If a bill shall not be returned by the Governor within five days, (Sundays excepted) after it shall have been presented to him, it shall become a law, in like manner, as if he had signed it. Every bill presented to the Governor one day before the final adjournment of the two Houses, and not signed by him, shall become a law, and shall have the same force and effect as if signed by him. The Governor may approve any appropriation, and disapprove any other appropriation, in the same bill, by signing the bill, and designating the appropriation disapproved, and sending a copy of such appropriation, with his objections, to the House in which it originated; and the same proceedings shall be had as on other bills disapproved by him; but, if the Legislature shall have adjourned before it is returned, he shall return it, with his objections, to the Secretary of State, to be submitted to both Houses at the succeeding session of the Legislature.

SEC. 30. Every order, resolution, or vote, in which the concurrence of both Houses shall be required, except the question of adjournment, shall be presented to the Governor, and must be approved by him before it can take effect; or, being disapproved, shall be repassed in the manner prescribed in the case of a bill.

Mr. Lindsay moved the reading be dispensed with.

It was agreed to.

Mr. Lindsay moved a suspension of rules to consider report.

Rules suspended.

On motion, the report was made the special order of the day for Monday, July 20th inst., at ten o'clock.

Mr. Whitmore, from the Committee on General Provisions, made the following reports:

COMMITTEE ROOM,
July 11, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions of the Constitution of the State, to whom was referred a resolution requesting the committee to inquire into the propriety of engrafting in the Constitution of the State a provision requiring the Legislature to levy a special road tax, have had the same under consideration, and request me to report the same back to the House, and recommend that it do not pass.

WHITMORE,
Chairman.

COMMITTEE ROOM,
July 11, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions of the Constitution, to whom was referred a declaration by Mr. Newcomb, requesting the committee to inquire into the propriety of engrafting in the Constitution of the State of Texas. a provision to entitle all children born out of wedlock, in law and fact to be entitled to the property of their parents, have had the same under consideration, and request me to report the same back to the House and recommend that it do not pass.

WHITMORE,
Chairman.

COMMITTEE ROOM,
July 11, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions of the Constitution, to whom was referred a resolution by Mr. Bryant, asking the repeal of certain railroad charters, etc., etc., have had the same under consideration, and request me to report the same back to the House, and request that they be referred to the Committee on Internal Improvement.

WHITMORE,
Chairman.

COMMITTEE ROOM,
July 11, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions of the Constitution, to whom was referred a resolution by Mr. Varnell, requesting the committee to inquire into the propriety of authorizing the Legislature to prohibit the sale of intoxicating liquors in certain prescribed limits of colleges, academies and seminaries of learning, to be passed by the Legislature, except at county sites or State capitols, have had the same under consideration, and request me to report the same back to the House, and recommend its passage.

WHITMORE,
Chairman.

Mr. McCormick, from Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
July 13, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Contingent Expenses instruct me to report the accompanying resolution in reference to making a substantial record of the journals of the Convention, which is respectfully submitted.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary of the Convention be and he is hereby authorized and required to have the journals of the Convention inscribed in a bound volume, such as is commonly used in recording deeds, and said Secretary shall receive the sum of twenty cents for every hundred words of said journals so inscribed, in addition to his per diem pay.

Mr. Harne offered the following declaration:

Be it resolved, That the following shall be a section of the Constitution:

SECTION.—Whereas, the freedom of speech and the freedom of the ballot box in Republican government are the great safeguards of human liberty; therefore it is made the duty of the Legislature to provide for the punishment of persons, who by force, threats, fraud, rewards or promise thereof, interfere with the freedom of speech or the freedom of voting at any public election; and the punishment thereof, upon conviction, shall be the deprivation of ever after voting or holding office, and such other punishment as may be prescribed by law.

On motion, the declaration was referred to the Committee on Legislative Department.

Mr. Smith, of Galveston, offered the following declaration:

An ordinance to dissolve the bonds of matrimony between Henry Rodefeld and Catherine Rodefeld, of Galveston, Texas.

WHEREAS, The petition of Henry Rodefeld, of Galveston, Texas, presents a peculiar case, not provided for by the laws of Texas, and sufficient cause for dissolving the bonds of matrimony existing between him and his wife,

It is ordained, by the people of Texas in Convention assembled, That the bonds of matrimony between the said Henry Rodefeld and Catherine Rodefeld, formerly Catherine Cordes, be and the same are forever dissolved.

On motion the declaration was referred to the Committee on General Provisions.

Mr. Bell offered the following declaration, and asked its reference to the Committee on Internal Improvements.

DECLARATION

To incorporate the Bellville, Hempstead and Brazos Bridge Company.

Be it declared by this Convention:

SECTION 1. That J. G. Bell, and such other persons as he may associate with himself, are hereby incorporated under the name of the "Bellville, Hempstead and Brazos Bridge Company," and under such name shall sue and be sued, and have succession for thirty years.

SEC. 2. Said Company shall have the right to construct a bridge of iron or wood across the Brazos river, at or near a point where a straight line from the town of Bellville to the town of Hempstead, in Austin county, Texas, crosses the Brazos river.

SEC. 3. Said Company shall construct said bridge in a good and substantial manner, within five years from the first day of January, A. D. 1869; and shall keep the same in good repair for the term of thirty years from the completion thereof; and to be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge; and be responsible as common carriers under the law for any loss of property in transit over said bridge.

SEC. 4. That said company shall be entitled to charge and receive, from the completion of said bridge, for the term of thirty years, the following tolls, from all persons who may cross themselves, or their property, viz: four-horse or ox stage, or wagon, loaded, fifty cents; for six-horse or ox stage or wagon, loaded, seventy-five cents; and for each additional pair of horses, mules, or oxen, attached to said wagons, twenty-five cents; for man and horse, fifteen cents; single horse and buggy thirty cents; two-horse buggies, two-horse or ox wagons, fifty cents; other vehicles in proportion; footman, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head; and other property not mentioned in proportion to the above rates.

SEC. 5. That no other bridge shall be constructed across the said Brazos river for the space of thirty years, within five miles, on a straight line up and down said Brazos river from said bridge, which said Bellville, Hempstead and Brazos Bridge Company may construct; and that this declaration be and have effect from its passage.

Mr. Lindsay moved a suspension of the reading thereof.

Carried.

Mr. Coleman offered the following preamble and resolution:

WHEREAS, Rumors and reports are in circulation to the effect that the various departments of the State government, in Austin, are filled with employes who were enemies of the United States, and, in some instances, are still hostile to the government thereof; and to the reconstruction of the State under the laws of Congress; therefore, in order that such "rumors and reports" may not circulate to the detriment of the heads of the various departments, and that misrepresentation and injustice may not prevail, be it

Resolved, by the People of the State of Texas in Convention assembled, That His Excellency E. M. Pease, Governor of Texas, be and he is hereby respectfully requested to inform this Convention of the number of clerks and other employes in the General Land Office, Comptroller's and Treasurer's Offices; how many of them have taken the oath of July 2, 1862: how many of them served in the armies or departments of the so-called Confederacy; how many of them are honorably discharged soldiers or sailors of the United States, and how many of them are in political unison with the government that pays them.

Laid over one day.

Mr. Vaughan offered the following resolution:

WHEREAS, A large amount of the time of each session of the

Legislature of the State of Texas is consumed in incorporating railroad, manufacturing and other similar companies; and

Whereas, Hundreds of thousands of dollars are squandered of the people's money to galvanize railroad adventurers; and

Whereas, The tendency of such legislation is to organize a railroad interest that will control the legislation of this State, and make all other interests subservient to this growing stupendous combination; therefore,

Be it enacted by the people of Texas in Convention assembled, That no special grants or charters shall hereafter be made to railroad companies; but the Legislature of the State of Texas, when assembled, shall provide a general railroad internal improvement and manufacturing law, under which all who have the means to construct roads, or engage in works of internal improvement, or manufacturing, can do so.

On motion the resolution was referred to the Committee on Internal Improvements.

Mr. Schuetze offered the following resolution, and asked its reference to the Committee on Political or Legislative.

Resolved, That a special committee be appointed and instructed to visit the Blind Asylum and Deaf and Dumb Asylum, with a view of inquiring into the propriety of admitting into either or both of these institutions, such number of indigent orphans as could be received therein for education and maintenance, on the expense of the State, until an orphan asylum can be established.

Referred to the Committee on Political or Legislative.

Mr. Harne offered the following resolution:

WHEREAS, The intemperate use of intoxicating liquors is one of the great evils of the age, and the source of most crimes and bloodshed; therefore, be it

Resolved, That the following shall be a section of the Constitution:

SEC. —. It shall be the duty of the Legislature at its first session after the adoption of this Constitution, to pass laws necessary and proper to prevent the use of intoxicating liquors on public election days, and the punishment may extend to the deprivation of the right to vote and hold office, and such other punishment as may be prescribed by law.

On motion the resolution was referred to the Committee on Legislative Department.

Mr. Smith, of Galveston, offered the following resolution:

Resolved, That the Special Committee on the Removal of Political Disabilities be directed to remove from the list the name of A. P. Wiley, of Galveston county.

On motion the resolution was referred to the Special Committee on Political Disabilities.

Mr. Watrous offered the following declaration:

Be it declared by this Convention, That the following be a section of the Constitution of the State of Texas:

That no person who shall deny the being of Almighty God, or the Divine authority of the Holy Bible; or who shall hold religious opinions incompatible with the freedom or safety of the State, shall be capable of holding any office, or place of trust or profit, in any civil department.

On motion the declaration was referred to the Committee on General Provisions.

Mr. Evans, of McLennan, in the chair.

Mr. Davis, of Nueces, offered the following resolution:

RULES TO BE INSERTED AFTER THE 32D RULE.

No member shall speak more than once on any subject before the Convention at the same stage thereof; and on any question, except the final passage of a resolution or declaration, or the engrossment or amendment thereof, no member shall speak for more than ten minutes.

Further, it shall not be in order to propose a special suspension of this rule.

Mr. Flanagan moved a suspension of rules to take up the resolution.

Rules suspended.

Mr. Davis, of Nueces, moved the consideration of the resolution be postponed until Wednesday, July 15, at ten o'clock.

Carried.

Mr. Evans, of Titus, moved that Mr. Mullins be added to the Committee on Lawlessness and Violence, upon which motion the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Bellinger, Brown, Bryant, of Grayson, Buffington, Burnett, Degener, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Harris, Harne, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Lindsay, McCormick, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Scott, Stockbridge, Varnell, Vaughan, Whitmore, Wilson, of Brazoria, Wright, Yarborough—43.

Nays—Messrs. Bledsoe, Board, Bryant, of Harris, Carter, Coleman, Constant, Curtis, Downing, Fayle, Grigsby, Hamilton, of

Travis, Hunt, Johnson, of Harrison, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McWashington, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Sumner, Thomas, Watrous, Williams, Wilson of Milam—33.

So Mr. Mullins was added to the Committee.

Mr. Degener moved that Mr. Evans, of Titus, be added to the Committee on Political and Legislative.

Carried.

The President announced the business in order was the report of the Committee on Division of the State.

Mr. Flanagan moved that the substitute to the report offered by Mr. Hamilton, of Travis, be laid upon the table.

Mr. Hamilton, of Travis, moved a call of the House.

Call sustained.

The question recurring upon the motion of Mr. Flanagan, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Board, Bryant of Harris, Buffington, Carter, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Hunt, Johnson, of Harrison, Jordan, Keigwin, Kendal; Kuechler, Leib, Lippard, Long, McCormick, Morse, Muckleroy, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Ruby, Slaughter, Smith, of Galveston, Stockbridge, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Yarborough—49.

Nays — Messrs. Armstrong, of Lamar, Bellinger, Bledsoe, Brown, Bryant of Grayson, Burnett, Cole, Coleman, Constant, Fleming, Foster, Gray, Grigsby, Hamilton of Travis. Harne, Johnson of Calhoun, Kealy, Lindsay, Mackey, McWashington, Mills, Pedigo, Phillips, of San Augustine. Posey, Rogers, Schuetze, Scott, Smith, of Marion, Sumner, Thomas, Varnell, Vaughan, Wright—33.

So the substitute was laid upon the table.

Mr. Degener moved the following as a substitute to the original report:

A Declaration, from the Committee on the Division of the State, for the erection of two new States out of the Territory of the State of Texas:

Whereas, There is now pending in the Congress of the United States, the following bill to provide for the erection of two additional States of the Territory of the State of Texas, and

Whereas, Experience has proved that the great size of the State is one of the greatest obstacles to the enforcement of law and the maintenance of order, and that the Government of a State so large cannot be economically administered; and

WHEREAS, The welfare, happiness and prosperity of the people require a division of the State into at least three States,

Therefore, be it ordained, That we the people of Texas, in Convention assembled, do hereby declare, that we concur in the plan proposed by Congress in the following bill:

A Bill to provide for the erection of two additional States out of the Territory of the State of Texas, and for other purposes.

WHEREAS, The people of the State of Texas desire to erect out of the Territory of said State two additional States of convenient size; and

WHEREAS, The people of the said State of Texas, in pursuance of an act of Congress passed March two, eighteen hundred and sixty-seven, entitled, "An act for the more efficient government of the rebel States," and of the several acts supplementary thereto, have elected delegates to a Convention to form a Constitution of government for the said State of Texas; and

WHEREAS, It is desired that the two additional States to be formed out of the Territory of the said State of Texas, be respectively bounded and named as follows—that is to say: That all that part of the Territory of the said State of Texas situate and embraced within the following lines, viz: Beginning at a point in the middle of the channel between Galveston Island and Bolivar Point, thence through Galveston Bay to the mouth of the San Jacinto river, up the San Jacinto river to its confluence with the eastern fork of the San Jacinto, thence up said eastern fork with the western boundaries of the counties of Liberty and Polk, thence north to the Trinity river, thence up said Trinity river to the mouth of the Bois d' Arc or East Fork of the Trinity, thence up said East fork to the northwest corner of the county of Kaufman, thence north to the southwest corner of Fannin, thence north with the western border of Fannin to Red River, thence down said river to the eastern boundary of the State of Texas, thence south with the eastern boundary of the State to the Gulf of Mexico, thence west across the gulf to the point of beginning, be erected into a new State, to be known by the name of the State of East Texas; that all that part of the Territory of said State of Texas situate and embraced within the following described limits, viz: Beginning at a point in Pass Cavallo, midway between the island and peninsula of Matagorda, thence through Matagorda bay to the Colorado river, thence up said Colorado river to where it is intersected by parallel thirty-two north latitude, thence due west to the Rio Grande, thence down said Rio Grande to the Gulf of Mexico, thence through the Gulf of Mexico to the point of beginning, be erected into a new State, to be called and known by the name of South Texas; and that all the residue and remainder of the Territory of the said State of Texas be known by the name of the State of Texas: Therefore,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled*, That whenever the said delegates shall be assembled in Convention, the said delegates to said Convention shall organize and form themselves into three respective Conventions, each of said Conventions respectively to be composed of the delegates respectively residing within the respective limits of the proposed States as bounded and described in the preamble to this act.

SEC. 2. *And be it further enacted*, That the said respective Conventions shall be organized and conducted, in all respects, as near as may be, in accordance with the provisions of said act, entitled "An act for the more efficient government of the rebel States," and the acts supplementary thereto; and .that when the people of any one of the said proposed States shall have formed a Constitution of State government in conformity with the Constitution of the United States in all respects, framed by the Convention thereof; and when such Constitution shall be ratified by the voters thereof in accordance with said acts; and when such Constitution shall have been submitted to Congress for examination and approval. and Congress shall have approved the same; and when said State by a vote of its legislature, elected under said Constitution shall have adopted the amendment to the Constitution of the United States proposed by the thirty-ninth Congress, and known as article fourteen, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oath prescribed by law.

SEC. 3. *And be it further enacted*, That the said respective Conventions shall provide, by ordinance or otherwise, for elections for representatives in Congress, members of State Legislature, Governor and other State officers, to be held at the same time, in the said proposed States respectively, as that for voting upon the adoption or rejection of the said Constitutions respectively: Provided, that the aggregate number of representatives from the proposed three States, shall be the same that the State of Texas was entitled to in the year eighteen hundred and sixty, to be divided among the said three States in proportion to the population of each respectively.

SEC. 4. *We further declare*, That the President of this Convention, be and is hereby instructed, to forward by telegraph to the President of the Senate and to the speaker of the House of Representatives of the United States a full copy of these declarations.

Mr. McCormick moved to reconsider the vote by which the substitute of Mr. Hamilton of Travis, was laid upon the table.

The President decided that Mr. McCormick's motion was not in order.

Mr. Hamilton, of Travis, appealed from the decision of the Chair.

Mr. McCormick moved a call of the House.

Call sustained.

Mr. Evans, of McLennan, moved that the Sergeant at Arms be dispatched for absent members, and that the fees for arrest be assessed by the Convention.

Mr. Burnett moved a suspension of the call of the House, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bledsoe, Board, Brown, Burnett, Carter, Coleman, Degener, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, Foster, Gaston, Glenn, Harris, Hunt, Johnson, of Calhoun, Jordan, Kuechler, Leib, Muckleroy, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips, of Wharton, Ruby, Schuetze, Smith, of Galveston, Varnell, Watrous, Whitmore, Williams, Wright, Yarborough—41.

Nays—Messrs. Bell, Bellinger, Bryant, of Grayson, Bryant, of Harris, Buffington, Cole, Constant, Curtis, Downing, W. Flanagan, Fleming, Gray, Grigsby, Hamilton, of Travis, Harne, Johnson, of Harrison, Kealy, Keigwin, Kendal, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Pedigo, Phillips of San Augustine, Rogers, Scott, Slaughter, Smith, of Marion, Sumner, Talbot, Thomas, Vaughan, Wilson, of Brazoria, Wilson, of Milam—38.

So the House suspended the call.

Mr. Lindsay moved a call of the House.

Call sustained.

The absentees were brought in by the Sergeant at Arms.

Mr. Evans, of McLennan, moved that the absentees be discharged without paying any fees, pending which motion the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 14, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the following communications from His Excellency Governor E. M. Pease and Geo. C. Rives, Esq., Acting Comptroller of the State; also, a communication from Brevet Major-General J. J. Reynolds, commanding the District of Texas.

EXECUTIVE OFFICE,
Austin, July 13, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: I transmit herewith the copy of a letter received at this office this morning, from the Acting Comptroller of Public Accounts, which I respectfully request may be laid before the Convention.

Very respectfully,
Your obedient servant,
E. M. PEASE.

COMPTROLLER'S OFFICE,
Austin, Texas, July 13, 1868.

His Excellency E. M. PEASE, Governor of Texas:

SIR: I have the honor to acknowledge the receipt of your communication of the eleventh instant, transmitting a copy of a resolution of the Convention, making an appropriation to procure a frame for the portrait of General Sam. Houston, and asking if I feel authorized, under the resolution, to draw a warrant on the treasury for the amount of the appropriation, in the event that you make a contract with any one to furnish the frame.

I reply that I do not feel authorized to pay any money upon the order of the Convention, unless the same meets the approval of the Commanding General, *and he shall order the payment to be made.*

It cannot be held that the framing of the portrait of General Sam.

Houston is properly chargeable to the contingent expenses of the Convention.

Very respectfully,
Your obedient servant,
GEO. C. RIVES,
Acting Comptroller.

HEADQUARTERS DISTRICT OF TEXAS,
Austin, July 13, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: I have the honor to transmit herewith the information called for by your honorable body, in a resolution passed July 3, 1868.

I have the honor to remain, sir,

Very respectfully,
Your obedient servant,
J. J. REYNOLDS,
Brevet Maj. Gen. U. S. A., Commanding.

COMPTROLLER'S OFFICE,
Austin, Texas, July 10, 1868.

Brevet Major-General J. J. REYNOLDS,
Commanding District of Texas:

SIR: I have the honor to transmit herewith all the statements asked for by the following resolution of the Constitutional Convention:

Resolved, That Brevet Major-General J. J. Reynolds, commanding the District of Texas, be, and is hereby respectfully requested to cause the Comptroller of Public Accounts of Texas to prepare and transmit, for the use of this Convention, the following statements and information, to-wit:

First. Statement showing the assessment of taxes in each county in the State, for the year 1867.

Second. Estimate of cost of collection of taxes under existing laws.

Third. Amount collected upon assessment of 1867.

Fourth. Statement of the different accounts, showing the receipts from the fourth of September, 1867, and the balances in the different kind of funds standing at credit of each account on the thirty-first of May, 1868.

Fifth. Statement of warrants drawn by the Comptroller upon the Treasurer, during the period commencing September 4, 1867, and ending May 1, 1868.

Sixth. Statement of public debt.

Seventh. Reports of railway companies made to Comptroller under act of February 7, 1853.

Eighth. Statement showing the present indebtedness of each railroad company to the State; and, also, what amount of interest has been paid; when and in what kind of funds paid; and amounts remaining unpaid.

Ninth. Statement of amounts paid for asylums, from their establishment to June 1, 1868, and in what kind of funds paid.

Tenth. Statement of amounts paid for Penitentiary, from its establishment to June 1, 1868, and in what kind of funds paid.

Eleventh. Statement showing the amount and character of funds paid for school lands during the existence of the rebellion.

I have the honor to be,
Your obedient servant,
GEORGE C. RIVES,
Acting Comptroller.

TABLE

Statement showing the Assessment made in

NAME OF COUNTY.	LAND.		
	Lying in the County.		Lying out
	Acres.	Value.	Acres.
Anderson	411871	$748997	348051
Angelina	115395	170978	82658
Atascosa	62819	61630	14723
Austin	461163	1746313	67355
Bandera	99588	63113	640
Bastrop	276827	917354	142584
Bee	320147	122395	32051
Bell	502961	765161	242250
Bexar	548485	745695	1284285
Blanco	36509	56858	16160
Bosque	100938	210513	40934
Bowie	256891	346658	25620
Brazoria	556044	1758761	428551
Brazos	142946	473368	64050
Brown	17042	8328	....
Burleson	249081	610129	144432
Burnet	131040	232330	13708
Caldwell	229613	594176	126253
Calhoun	210796	206933	189126
Callahan	640	160	....
Cameron	1741589	359250	50688
Chambers	75178	124702	68344
Cherokee	427444	725521	45117
Clay	254350	188517	....
Coleman	....	....	....
Collin	314362	1144450	97790
Colorado	247814	1255890	253164
Comal	203101	438879	166465
Comanche	20235	20368	....

I.

each County in the State for the year 1867.

	TOWN LOTS.	HORSES.	
of the County.			
Value.	Value.	Number.	Value.
$310073	$63486	3604	$198301
53456	8125	1282	78005
18451	4900	6426	157632
100817	153881	6577	258207
420	3685	450	11314
149868	172118	5788	206634
27553	5747	6651	135753
230241	67789	12867	373895
994682	2359810	10263	229817
13657	5026	2747	61715
43228	14713	6633	200346
26913	22520	1727	73673
489308	144050	4898	179263
87545	122613	2870	121816
....	....	2258	14257
183644	26483	5444	185716
19324	13230	2537	77425
107425	51660	5010	148750
144642	313761	1411	32027
....	....	....	....
8821	506190	6253	66045
50395	1750	1928	35433
153633	32437	3956	220498
....	....	....	....
....	....	251	10970
127531	69550	12624	411320
245195	193960	5712	186545
113017	194590	4726	89415
....	6019	295	14235

Statement showing the Assessment made in

NAME OF COUNTY.	LAND.		
	Lying in the County.		Lying out
	Acres.	Value.	Acres.
Concho	4153	$620	....
Cooke	144876	292591	50154
Coryell	376178	405510	47048
Dallas	1016184	1542235	147818
Davis	385772	603850	22293
Denton	328964	691667	25899
DeWitt	196726	594856	102544
Eastland	4480	945	....
Ellis	259183	842581	86855
El Paso	38681	47856	....
Erath	32843	50106	1675
Falls	414148	812287	25685
Fannin	427532	1160541	154620
Fayette	363464	2100322	322418
Fort Bend	188669	865944	174033
Freestone	178076	539487	33961
Galveston	128235	711300	1968371
Gillespie	179718	222238	35270
Goliad	177177	228930	63088
Gonzales	333807	773213	153527
Grayson	333481	1428455	81051
Grimes	327118	1482914	192932
Guadalupe	247390	676053	185590
Hamilton	208259	84256	640
Hardin	183179	265633	4283
Harris	495038	1959614	948834
Harrison	415950	1240864	163071
Hays	107024	272030	45426
Henderson	177253	273794	36245
Hidalgo	878020	190450	....
Hill	338034	581212	60574

each County in the State for the year 1867—Continued.

of the County.	TOWN LOTS.	HORSES.	
Value.	Value.	Number.	Value.
		6	$360
$81271	$20260	4216	136760
45040	11400	6514	208535
217319	128285	14100	511005
27642	11300	1676	111075
36300	42895	10706	382498
105541	20880	9030	221266
....	200	39	1965
83618	45360	11556	402149
....	96534	319	12590
2454	7985	1137	40845
27262	33377	8434	264242
317138	64005	9296	328369
332094	306094	7858	302452
236664	117042	5779	202275
84207	34887	4097	180263
2521630	8130215	1600	88355
43505	71684	1417	40735
62079	126624	9644	197232
171400	191064	11554	281824
152813	102229	9128	324080
260200	173515	6027	270402
192224	103579	12209	299154
400	3811	874	23569
3867	2018	1058	30252
1152064	3880803	4812	147878
153220	271837	2362	235086
47057	36844	7505	192505
42824	16820	2185	107173
....	2700	5384	56300
83268	10302	10547	308769

Statement showing the Assessment made in

NAME OF COUNTY.	LAND.		
	Lying in the County.		Lying out
	Acres.	Value.	Acres.
Hood	202936	$337613	14292
Hopkins	290455	521592	23134
Houston	545009	1026285	576511
Hunt	283240	540972	35965
Jack	....	....	....
Jackson	220058	370569	106656
Jasper	152077	155817	32741
Jefferson	135004	197368	101750
Johnson	120854	332264	....
Jones	163701	112917	....
Karnes	301043	255457	47768
Kaufman	247066	456316	71449
Kendall	80863	121767	10144
Kerr	30878	43464	5054
Kimble	984	1060	....
Lamar	413445	1389106	72215
Lampasas	40982	67672	98539
Lavaca	283614	725382	99455
Leon	259573	468774	83217
Liberty	669199	594764	107198
Limestone	402038	675402	100590
Live Oak	130442	71014	19866
Llano	248466	237224	15062
McCulloch	320	520	5831
McLennan	195780	852968	68779
Madison	119148	202113	17112
Marion	136047	471061	76130
Mason	21700	17430	....
Matagorda	433977	715206	164242
Medina	238316	199723	18704
Menard	640	1384	....

each County in the State for the year 1867—Continued.

of the County.	TOWN LOTS.	HORSES.	
Value.	Value.	Number.	Value.
$17034	$910	3790	$118670
26049	46929	5374	194117
493532	54580	3624	211684
54219	19708	10422	315594
....	....	....	....
114574	11992	3508	88795
53782	30916	....	....
96465	108813	6420	96199
....	3190	8504	249653
....	....	....	....
35480	24863	11844	251294
92902	39790	7766	252963
10418	30225	1387	33830
10116	3188	334	10303
....	....	51	2000
109278	73564	7925	314762
77235	15140	1021	39830
107595	34725	7427	201770
65008	21120	4852	167050
149962	125220	3706	99962
127112	22275	9106	289484
18599	7685	6940	147027
9437	2543	692	26485
8274	....	229	11350
72123	184967	10507	325525
13477	12230	3090	127793
97047	518930	807	54712
....	....	294	9890
200834	79269	3294	96857
24758	73793	1467	31086
....	....	74	3075

Statement showing the Assessment made in

NAME OF COUNTY.	LAND.		
	Lying in the County.		Lying out
	Acres.	Value.	Acres.
Milam	175130	$423147	73065
Montague	228901	207441	1265
Montgomery	405418	643881	92616
Nacogdoches	....	....	....
Navarro	298535	863745	145815
Newton	257091	232464	58785
Nueces	603295	274519	74045
Orange	43650	49160	62618
Palo Pinto	228702	125753	2194
Panola	255404	474123	....
Parker	166461	427941	662746
Polk	486241	788113	124845
Presidio	....	....	....
Red River	335100	819934	109136
Refugio	250121	107780	92574
Robertson	225184	679287	72277
Rusk	441293	1044117	....
Sabine	150410	157921	52105
San Augustine	....	....	....
San Patricio	235745	80293	67187
San Saba	46173	71430	9151
Shackelford	90103	39319	....
Shelby	260991	350515	37528
Smith	371460	895835	110512
Starr	1061246	178202	154094
Stephens	149961	98514	....
Tarrant	198256	592694	62078
Taylor	640	320	....
Throckmorton	....	....	....
Titus	447434	851472	10656
Travis	524170	1283070	1609655

each County in the State for the year 1867—Continued.

of the County.	TOWN LOTS	HORSES.	
Value.	Value.	Number.	Value.
$134240	$16692	5531	$152434
2117	4498	404	17943
91356	60610	1520	93492
....	....	....	....
168558	46867	12107	412807
41953	6900	834	47055
37315	160929	15568	243425
48343	35685	983	20090
5408	12539	315	15780
....	17136	2149	138794
395435	72234	5126	202723
151470	29521	2178	112165
....	....	....	....
161428	86342	3563	163566
75656	25616	6866	93434
89525	21305	2744	119875
....	87750	4125	289105
37847	10633	939	58474
....	....	....	....
41975	7982	4995	75268
7748	6861	612	29798
....	....	....	....
30832	9460	1642	108962
135356	102774	3673	224987
23174	54450	8503	104311
....	100	117	4805
62966	39764	10117	356143
....	....	....	....
....	....	....	....
15783	44131	3886	182531
1528341	1039400	9046	279048

Statement showing the Assessment made in

NAME OF COUNTY.	LAND.		
	Lying in the County.		Lying out
	Acres.	Value.	Acres.
Trinity	101229	$127079	14652
Tyler	150180	214258	17517
Upshur	442212	714279	21731
Uvalde	47834	19688	6835
Van Zandt	160778	247704	10640
Victoria	225643	451238	109178
Walker	340645	786937	118612
Washington	366862	3070698	554609
Webb	298958	26170	640
Wharton	255774	1123996	92962
Wichita	73370	56740	....
Wilbarger	16501	12660	... .
Williamson	316886	605060	114268
Wilson	88857	138564	33025
Wise	205814	231384	17973
Wood	253715	451361	33646
Young	....	....	....
Zapata	569508	73832	....
Zavala	....	....	....

each County in the State for the year 1867—Continued.

	TOWN LOTS.	HORSES.	
of the County.			
Value.	Value.	Number.	Value.
$23650	$11755	1380	$70892
8757	14295	1080	64950
25670	64504	3110	175241
9487	19070	445	11900
13465	9160	2707	102636
87348	212944	7114	130824
147664	130975	2860	165895
793333	298277	7452	358391
6810	66360	1013	11090
89200	45754	4187	156339
....	....	....	....
....	....	....	....
133329	35690	14719	425130
53037	8708	4984	97634
49689	4520	2072	74552
19629	26117	2297	121803
....	....	....	....
....	....	3557	33446
....	....	....	....

TABLE

Statement showing the Assessment made in

NAME OF COUNTY.	CATTLE.		
	Number.	Value.	Number.
Anderson	17168	$72818	4491
Angelina	10729	57074	1913
Atascosa	105832	414782	13428
Austin	60500	207804	13573
Bandera	16338	34276	3093
Bastrop	32171	141701	9008
Bee	40215	220613	12497
Bell	35949	172585	17049
Bexar	59439	298139	20869
Blanco	10942	43018	5439
Bosque	19482	102853	3903
Bowie	6834	37110	921
Brazoria	71843	303708	7530
Brazos	16897	69849	15329
Brown	43845	193319	1037
Burleson	33910	110953	21117
Burnet	19822	93442	8247
Caldwell	22609	95987	8019
Calhoun	31927	132599	2564
Callahan	....	....	....
Cameron	27179	142218	6033
Chambers	25103	100404	1666
Cherokee	13283	53038	7428
Clay	....	....	....
Coleman	49111	172397	726
Collin	26614	167480	5959
Colorado	53265	201950	9270
Comal	21475	98078	3680
Comanche	34003	122522	876

I.

each County in the State for the year 1867—Continued.

SHEEP.	MERCHANDISE.	MONEY ON HAND OR AT INTEREST.	MISCELLANEOUS PROPERTY.
Value.	Value.		Value.
$8958	$84491	$61279	$169628
3857	4250	5821	52423
26519	4138	12172	47543
21640	157537	52414	135589
6445	....	....	17843
12743	104350	98691	176258
21096	1725	11710	44178
32410	36805	34030	85215
48696	971489	328267	105729
9488	2669	4671	32529
7209	15246	32082	33118
1551	15050	11815	38517
9378	62069	76474	153918
26739	169160	53997	67434
2177	500	500	6135
25793	29725	13295	103356
16643	5500	20545	38918
12208	35150	80505	72535
6282	230461	57235	292873
....	....	....	....
4352	265311	73587	167007
3207	9962	2480	15438
11206	44215	43581	139987
....	....	....	....
1547	....	....	....
11810	59690	79080	139700
10405	133370	99730	120085
4652	63100	109087	50914
1634	4000	....	34157

Statement showing the Assessment made in

NAME OF COUNTY.	CATTLE.		
	Number.	Value	Number.
Concho	800	$3520	
Cooke	44115	176329	5871
Coryell	24480	131205	7490
Dallas	32878	185541	15230
Davis	3128	15500	215
Denton	58569	335131	18839
DeWitt	54361	220312	34540
Eastland	17730	60629	245
Ellis	48388	226983	11592
El Paso	3665	42375	3359
Erath	30348	126568	1304
Falls	30293	115333	11573
Fannin	26263	139048	12996
Fayette	40970	124167	24736
Fort Bend	75145	308908	1406
Freestone	20842	94584	4971
Galveston	21021	101395	390
Gillespie	27895	132374	2443
Goliad	56173	254099	15392
Gonzales	55458	221357	27564
Grayson	34214	192011	7136
Grimes	31516	124369	18916
Guadalupe	35267	152328	7312
Hamilton	19305	69215	1185
Hardin	10417	54985	710
Harris	60123	332173	5258
Harrison	11220	36952	6581
Hays	15605	64695	14485
Henderson	14974	63703	1473
Hidalgo	16916	71635	29462
Hill	27692	98386	6830

each County in the State for the year 1867—Continued.

SHEEP.	MERCHANDISE.	MONEY ON HAND OR AT INTEREST.	MISCELLANEOUS PROPERTY.
Value.	Value.		Value.
$11693	$10755	$560	$72631
16085	8130	15190	45885
22150	89590	73280	213175
570	13900	20050	44550
39876	28445	32947	81864
54571	72895	21222	77472
490	....	....	8694
16397	69500	48053	81610
7102	118925	....	44652
2618	4100	118	17071
17959	27633	17157	77354
25959	75967	23380	149443
28407	195108	192621	258571
2531	72582	37346	80728
5200	41438	55677	106995
690	1386442	888192	289387
3328	33030	25373	34692
26328	33222	49672	46510
36316	144204	95067	141262
14340	71014	....	186636
28743	218471	202569	236959
11511	41780	83453	105641
2457	100	310	12493
1442	3600	2425	15760
10291	1383395	400378	648984
6783	202084	266184	391082
28864	24256	37718	34395
2390	21818	36046	68457
20425	1300	....	12150
11591	8835	35068	63424

Statement showing the Assessment made in

NAME OF COUNTY.	CATTLE.		
	Number.	Value.	Number.
Hood	15907	$77204	2446
Hopkins	18966	90040	20658
Houston	25167	90778	4452
Hunt	44751	180902	25555
Jack	....	....	....
Jackson	82384	305008	5367
Jasper	....	....	....
Jefferson	46682	209386	1039
Johnson	18014	86454	6239
Jones	....	....	....
Karnes	37641	187465	14128
Kaufman	34298	150014	7673
Kendall	9561	39733	16346
Kerr	10859	46240	2237
Kimble	6302	28209	195
Lamar	22288	101440	10680
Lampasas	23851	110215	3880
Lavaca	55882	169785	14278
Leon	21742	85527	4476
Liberty	35844	152361	2392
Limestone	38980	142829	18037
Live Oak	106316	387350	16870
Llano	47481	230246	7321
McCulloch	22762	96294	591
McLennan	29387	128166	6829
Madison	17999	63055	9515
Marion	2888	13759	739
Mason	32581	105941	4339
Matagorda	72873	220875	3309
Medina	47275	217914	1520
Menard	8209	32768	330

each County in the State for the year 1867—Continued.

SHEEP.	MERCHANDISE.	MONEY ON HAND OR AT INTEREST.	MISCELLANEOUS PROPERTY.
Value.	Value.		Value.
$4634	$2000	$6577	$45068
29468	43435	9447	68481
5438	45700	101106	209532
38428	37729	18227	124085
....	....	....	....
10296	18551	88961	24168
....	....	....	....
2088	30612	19976	23756
9371	18164	13755	25969
....	....	....	....
21862	15600	1490	25543
10862	11570	14100	47797
45829	6650	7875	31303
5757	1595	2371	19708
287	....	....	2373
16214	94000	38667	212753
7929	1100	3765	20562
16404	48157	69336	86424
4781	43283	28540	75715
4402	41723	32972	40898
18520	26530	21520	75523
30558	5227	20140	10349
14823	600	5400	28357
1007	1010	200	8288
11161	95609	37377	115956
9695	8375	67136	54869
921	26850	22639	155491
6499	5000	840	10081
6671	36600	39113	64341
2161	15849	3656	18411
464	800	2022	3650

Statement showing the Assessment made in

NAME OF COUNTY.	CATTLE.		
	Number.	Value.	Number.
Milam	23981	$87956	13790
Montague	45796	198545	861
Montgomery	7385	26962	1327
Nacogdoches	....	....	....
Navarro	56932	315915	20509
Newton	6633	33280	1631
Nueces	138588	679177	149637
Orange	6587	37100	1005
Palo Pinto	55293	290596	1000
Panola	7602	45242	3847
Parker	30239	194952	6772
Polk	10660	39596	2517
Presidio	....	....	....
Red River	10483	44929	2097
Refugio	49874	201380	6328
Robertson	4547	58108	15005
Rusk	13846	54128	10075
Sabine	5199	20751	1385
San Augustine	....	....	....
San Patricio	26887	102041	2253
San Saba	55575	229161	3446
Shackelford	....	....	....
Shelby	9269	38997	3826
Smith	13818	59483	8111
Starr	20354	109881	112623
Stephens	39361	153749	259
Tarrant	25862	160607	9909
Taylor	....	....	....
Throckmorton	....	....	....
Titus	13260	6606	6343
Travis	28725	135735	9832

each County in the State for the year 1867—Continued.

SHEEP.	MERCHANDISE.	MONEY ON HAND OR AT INTEREST.	MISCELLANEOUS PROPERTY.
Value.	Value.		Value.
$22031	$10981	$10033	$56259
1722	2500	2453	15410
1576	42400	26951	121952
....	....	....	....
37275	38227	78169	126944
3165	12150	8870	30100
168087	107103	1200	28384
1691	13150	11188	15622
2426	2700	1994	14022
5226	58430	37834	58338
13833	55704	19198	94855
3488	32670	56688	95579
....	....	....	....
3307	41080	....	117213
7762	6650	12450	10115
24033	23177	....	48402
10075	98545	118077	173047
1415	20500	12610	75591
....	....	....	....
3849	1875	8658	6618
5562	5300	3405	19436
....	....	....	....
4242	13147	9767	72973
8556	108886	100178	215991
111498	800	....	9192
496	1180	2237	3334
19906	36703	21754	88323
....	....	....	....
....	....	....	....
10707	28052	29013	109738
16432	313062	89300	145220

Statement showing the Assessment made in

NAME OF COUNTY.	CATTLE.		
	Number.	Value.	Number.
Trinity	11063	$44546	1972
Tyler	7877	45757	3032
Upshur	20283	45793	3973
Uvalde	48244	202666	29785
Van Zandt	15527	65666	5487
Victoria	48987	198989	7522
Walker	16649	59255	5360
Washington	31900	128321	23571
Webb	7471	41520	41520
Wharton	32638	173801	2293
Wichita	....	....	....
Wilbarger	....	....	....
Williamson	37722	228420	18160
Wilson	19094	87682	5003
Wise	34024	156681	3604
Wood	10479	62642	3627
Young	....	....	....
Zapata	10490	62380	58200
Zavala	....	....	....

each County in the State for the year 1867—Continued.

SHEEP.	MERCHANDISE.	MONEY ON HAND OR AT INTEREST.	MISCELLANEOUS PROPERTY.
Value.	Value.		Value.
$2930	$26892	$7892	$77494
5255	15422	29026	180109
4679	37230	53375	117301
32908	25315	4238	30943
6680	7670	9221	60256
12716	65602	21544	42541
8500	79964	253143	123896
37388	383475	163223	289951
42220	15200	....	6230
3090	34578	97099	61917
....	....	....	....
....	....	....	....
27678	32277	40732	112690
7830	5475	5295	17629
5473	7000	4495	23790
5794	25550	19464	67696
....	....	....	....
44399	10550	....	9050
....	....	....	....

TABLE

Statement showing the Assessment made in

NAME OF COUNTY.	TOTAL VALUE OF PROPERTY ASSESSED.	POLL TAX.
Anderson	$1718031	$1498
Angelina	433989	640
Atascosa	747767	423
Austin	2834202	1790
Bandera	137096	117
Bastrop	1979717	994
Bee	590770	162
Bell	1798131	944
Bexar	6082324	2001
Blanco	229631	377
Bosque	659308	387
Bowie	573807	653
Brazoria	3176929	1163
Brazos	1192521	1171
Brown	225216	83
Burleson	1289094	1031
Burnet	517357	418
Caldwell	1198396	625
Calhoun	1516813	656
Callahan	160	....
Cameron	1592781	871
Chambers	343771	216
Cherokee	1424116	1692
Clay	188517	....
Coleman	....	89
Collin	2210611	1324
Colorado	2447130	813
Comal	1161732	873
Comanche	202935	163

I.

each County in the State for the year 1867—Continued.

AD VALOREM AND POLL TAX.	INCOME TAX.	SALARY TAX.	AVERAGE VALUE OF LAND IN COUNTY.
$4,075.05	$1,107.30	$10.70	$1.81
1,290.98	....	....	1.48
1,516.96	10.00	....	98
6,041.64	208.33	....	3.78
321.98	6.69	....	63
3,972.69	599.55	....	3.31
1,045.75	....	....	38
3,656.00	70,72	....	1.52
11,120.69	1,558.54	34.96	1.36
732.37	....	....	1.55
1,355.09	28.87	....	2.08
1,516.34	17.00	....	1.35
5,930.39	177.99	....	3.16
2,973.03	359.83	....	3.31
420.84	....	....	48
2,985.76	17.00	....	2.45
1,196.95	....	....	1.77
2,428.85	416.49	....	2.59
2,931.31	1,391.22	15.38	98
24	....	....	25
3,260.48	1,973.03	76.27	20
734.64	7.00	....	1.66
3,827.02	75.43	....	1.69
282.49	....	....	74
377.26	....	....	....
4,649.43	53.00	2.00	3.64
4,484.29	545.55	14.75	5.07
2,615.59	155.98	2.00	1.16
467.38	....	....	1.00

Statement showing the Assessment made in

NAME OF COUNTY.	TOTAL VALUE OF PROPERTY ASSESSED.	POLL TAX.
Concho	$450	$2
Cooke	802850	745
Coryell	886980	588
Dallas	2982580	1622
Davis	848437	1122
Denton	1671623	1075
DeWitt	1389015	750
Eastland	729230	32
Ellis	1816251	1187
El Paso	370034	610
Erath	251865	274
Falls	1392604	1539
Fannin	2283850	1443
Fayette	3839836	1476
Fort Bend	1924016	1475
Freestone	1142738	1332
Galveston	14117606	1603
Gillespie	606959	581
Goliad	1024696	547
Gonzales	2055707	1142
Grayson	2471578	1398
Grimes	2998142	2030
Guadalupe	1665723	1041
Hamilton	196611	145
Hardin	379982	216
Harris	9915580	1299
Harrison	2804092	2291
Hays	738364	410
Henderson	633025	996
Hidalgo	354960	186
Hill	1200855	752

each County in the State for the year 1867—Continued.

AD VALOREM AND POLL TAX.	INCOME TAX.	SALARY TAX.	AVERAGE VALUE OF LAND IN COUNTY.
$8.75	....	....	$0.12
1,948.52	$17.90	$9.50	2.02
1,918.47	12.00	....	1.08
6,108.60	141.16	1.30	1.51
2,439.29	65.00	....	1.56
3,592.52	....	2.00	2.10
2,838.45	56.59	....	3.02
139.16	....	....	21
3,910.62	140.50	....	3.25
1,165.05	76.72	12.37	1.23
630.71	....	....	1.52
3,637.54	42.02	....	1.96
4,866.96	258.03	....	2.71
7,261.25	1,392.25	6.00	5.77
4,360.70	398.70	6.50	4.60
3,046.97	261.84	....	3.02
22,778.31	11,175.04	498.75	5.54
1,491.46	15.00	....	1.24
2,083.53	62.86	....	1.29
4,231.08	731.36	1.00	2.32
5,106.63	391.88	25	4.28
6,526.97	1,256.31	....	4.53
3,540.31	380.74	19.00	2.73
468.84	....	....	44
793.68	....	....	1.45
16,171.91	3,960.50	240.11	3.96
6,495.03	240.41	10.82	2.98
1,517.91	74.13	....	2.54
1,941.60	10.00	....	1.54
718.44	....	....	21
2,554.26	32.50	....	1.71

Statement showing the Assessment made in

NAME OF COUNTY.	TOTAL VALUE OF PROPERTY ASSESSED	POLL TAX.
Hood	$609710	$432
Hopkins	1029558	882
Houston	2238635	1512
Hunt	1329864	1089
Jack	....	....
Jackson	1032914	404
Jasper	....	....
Jefferson	784663	310
Johnson	738820	637
Jones	112917	....
Karnes	819054	354
Kaufman	1076314	667
Kendall	327630	264
Kerr	142742	146
Kimble	33920	30
Lamar	2349784	1579
Lampasas	343448	185
Lavaca	1459578	1086
Leon	959798	1016
Liberty	1242264	559
Limestone	1399195	1080
Live Oak	697949	194
Llano	555415	242
McCulloch	126943	73
McLennan	1823852	738
Madison	558743	546
Marion	1361410	535
Mason	155681	147
Matagorda	1459766	715
Medina	587351	409
Menard	44163	43

each County in the State for the year 1867—Continued.

AD VALOREM AND POLL TAX.	INCOME TAX.	SALARY TAX.	AVERAGE VALUE OF LAND IN COUNTY.
$1,340.90	$10.00	....	$1.66
2,424.49	90	....	1.79
5,003,47	1,060.04	$17.00	1.88
3,087.68	65.00	....	1.99
....	....	....	....
1,954.82	....	....	1.68
....	....	....	....
1,488.10	413.33	....	1.46
1,765.16	....	....	2.75
172.51	....	....	68
1,569.74	....	1.00	84
2,363.75	115.26	....	1.84
754.56	65.19	....	1.55
359.51	....	....	1.47
80.88	....	....	1.07
5,104.12	304.17	....	1.36
700.93	....	....	1.65
3,275.82	6.80	....	2.55
2,450.40	109.50	9.50	1.80
2,420.87	120.64	....	89
3,178.29	63.10	....	1.68
1,240.69	42.08	....	54
1,070.86	21.00	....	95
263.42	....	....	1.62
3,473.73	158.37	10.67	4.35
1,383.28	15.00	....	1.68
2,576.74	315.66	25.30	3.46
380.52	....	....	80
2,905.04	212.10	....	1.64
1,290.01	....	8.00	84
109.20	....	....	2.16

Statement showing the Assessment made in

NAME OF COUNTY.	TOTAL VALUE OF PROPERTY ASSESSED	POLL TAX.
Milam	$913773	$433
Montague	452629	205
Montgomery	1109180	841
Nacogdoches		
Navarro	2088507	1353
Newton	415937	446
Nueces	1700139	286
Orange	232029	138
Palo Pinto	471218	166
Panola	835123	715
Parker	1476875	864
Polk	1309290	1046
Presidio		
Red River	1437799	962
Refugio	540843	186
Robertson	1063712	1064
Rusk	1874844	2204
Sabine	395742	516
San Augustine		
San Patricio	328559	133
San Saba	378701	197
Shackelford	39319	
Shelby	638895	778
Smith	1852046	2788
Starr	598708	449
Stephens	264415	55
Tarrant	1378860	1038
Taylor	320	
Throckmorton		
Titus	1337433	1291
Travis	4829608	1135

each County in the State for the year 1867—Continued.

AD VALOREM AND POLL TAX.	INCOME TAX.	SALARY TAX.	AVERAGE VALUE OF LAND IN COUNTY.
$1,831.33	$33.60	....	$2.41
883.83	6.50	....	90
2,504.60	261.86	....	1.58
....	....	....	....
4,484.06	....	....	2.89
1,069.23	17.50	....	90
2,386.20	172.01	$22.00	45
486.52	24.73	....	1.12
871.21	25:52	....	55
1,965.75	....	....	1.85
3,079.30	109.71	....	2.57
3,001.82	138.04	....	1.62
....	....	....	....
3,118.56	....	....	2.44
1,004.18	14.00	....	43
2,661.91	58.00	....	3.01
5,035.35	189.00	....	2.36
1,108.71	62.76	....	1.05
....	....	....	....
633.04	68.58	....	34
759.15	16.80	....	1.54
59.31	....	....	43
1,735.16	....	....	1.34
5,551.08	527.07	75	2.41
1,343.30	....	....	17
423.99	....	....	65
3,105.25	218.91	....	2.98
48	....	....	50
....	....	....	....
3,311.15	104.65	8.17	1.90
8,372.95	896.84	99.57	2.44

Statement showing the Assessment made in

NAME OF COUNTY.	TOTAL VALUE OF PROPERTY ASSESSED	POLL TAX.
Trinity	$393130	$512
Tyler	568897	471
Upshur	1238072	1478
Uvalde	356215	263
Van Zandt	522458	741
Victoria	1223746	1048
Walker	1756229	733
Washington	5523057	3440
Webb	215600	288
Wharton	1785774	890
Wichita	56740	....
Wilbarger	12660	....
Williamson	1641006	1012
Wilson	421854	321
Wise	557584	376
Wood	800060	942
Young	....	....
Zapata	233657	150
Zavala	....	....

each County in the State for the year 1867—Continued.

AD VALOREM AND POLL TAX.	INCOME TAX.	SALARY TAX.	AVERAGE VALUE OF LAND IN COUNTY.
$1,101.54	$107.35	$1.50	$1.25
878.18	10.00	1.00	1.43
3,338.54	14.00	....	1.61
799.29	3.00	2.00	41
1,524.50	....	....	1.54
2,884.06	19.04	....	2.00
3,367.25	410.01	17.46	2.31
11,724.61	1,758:55	....	8.37
611.39	15.55	....	9
3,570.52	200.35	....	4.39
86.34	....	....	77
19.02	....	....	76
3,487.38	265.90	....	1.90
956.36	80.82	....	1.55
1,212.33	....	....	1.12
2,140.39	....	....	1.77
....	....	....	....
499.95	....	....	13
....	....	....	....

STATEMENT SHOWING THE ASSESSMENT MADE IN EACH COUNTY IN

RECAPITULATION.

ND LYING IN THE COUNTY.		LAND LYING OUT OF THE COUNTY.		TOWN LOTS.	HORSES.		CATTLE.		SHEEP.	
Acres.	Value.	Acres.	Value.	Value.	Number.	Value.	Number.	Value.	Number.	V
10,472,202	$18,229,701	4,340,755	$4,212,952	$4,793,313	171,475	$5,352,471	1,142,546	$4,988,884	288,095	
9,174,585	21,239,017	4,758,559	6,964,443	14,201,245	198,432	6,199,728	1,054,637	4,592,178	323,408	
8,176,485	14,053,593	2,576,080	2,521,506	1,869,906	126,768	4,140,123	1,077,164	4,661,591	345,324	
7,150,765	12,579,058	3,189,632	3,298,486	2,238,756	100,488	3,301,626	587,682	2,614,022	366,729	
34,974,037	$66,101,369	15,865,026	$17,007,387	$23,103,220	597,163	$18,993,948	3,853,029	$16,856,675	1,323,556	$

DE IN EACH COUNTY IN THE STATE FOR THE YEAR 1867—*Concluded.*

RECAPITULATION.

	SHEEP.		MERCHANDISE.	MONEY ON HAND OR AT INTEREST.	MISCELLANEOUS PROPERTY.	TOTAL VALUE.	POLL TAX.	AD VALOREM AND POLL TAX.	INCOME TAX.	SALARY TAX.
	Number.	Value.	Value.		Value.					
8,884	288,095	$494,080	$2,735,478	$1,526,297	$2,990,752	$45,323,928	$27,110	$95,205.25	$9,072.17	$168.86
2,178	323,408	493,436	4,431,176	2,796,506	3,759,540	64,677,269	31,097	128,387.62	22,630.54	812.80
1,591	345,324	465,357	1,018,275	793,409	2,085,882	31,619,642	20,748	68,206.87	2,481.65	75.47
4,022	366,729	423,533	1,272,983	944,033	171,209	28,384,706	20,058	62,618.33	4,707.42	129.45
6,675	1,323,556	$1,876,406	$9,457,912	$6,060,245	$10,548,383	$170,005,545	$99,013	$354,418.07	$38,891.78	$1,186.58

TABLE II.

Estimated cost of collection, including defaults of every character:	
Sixteen per cent. on assessment	$83,859.80

TABLE III.

Taxes collected upon the assessment of 1867	$394,614.25¾

TABLE

Statements from the Books of the Comptroller's Office from

STATE

To receipts from M. H. Royston, late Treasurer, viz:			
In specie		$155.09	
In United States currency		20,077.17	$20,232.26
To receipts from September 4, 1867, to May 31, 1868, viz:			
From taxes of 1866 and previous years		25,810.12	
From taxes of 1867		315,622.97¾	
From taxes of 1868		3,687.95	345,121.04¾
From land office, viz:			
Office fees:			
In specie	$6.25		
In U. S. currency	1,485.00	1,491.25	
Patent fees:			
In specie	$20.00		
In U. S. currency	1,362.00	1,382.00	
Pre-emption claims		230.00	
Government dues		304.69	
Sales of land, act Feb. 7, 1853		424.25	3,832.19
From Comptroller's office:			
Office fees:			
In specie	$1.50		
In U. S. currency	5.50	7.00	
Moneys refunded to appropriations		240.55	247.55
From State Department:			
Office fees:			
In specie	$12.50		
In U. S. currency	22.25		34.75
			$369,467.79¾

IV.

September 4, 1867, *to May* 31, 1868, *both days inclusive.*

REVENUE.

By amount transferred to county tax account		$1,119.32
By balance on hand May 31, 1868, viz :		
In specie	$195.34	
In U. S. currency	368,153.13¾	368,348.47¾
		$369,467.79¾

Statements from the Books of the Comptroller's Office from Sep

SCHOOL

To receipts from M. H. Royston, late Treasurer, viz:		
In specie	$53,549.31	
In United States currency	1,064.26	
In six per cent. State bonds, (manuscript)	320,367.13	
In five per cent. State bonds	82,168.82	
In six per cent. railroad bonds	1,753.317.00	$2,210,466.52
To receipts from Sept. 4, 1867, to May 31, 1868, viz:		
From 1-10 taxes of years prior to 1865	8.47	
From Houston and Texas Central Railroad:		
Part interest on bonds, in specie	6,230.00	
From sales of land, act Feb. 1, 1860	341.35	
From sales of specie, $300, as per contra in United States currency	414.00	6,993.82
		$2,217,460.34

UNIVERSITY

To receipts from M. H. Royston, late Treasurer, viz:		
In five per cent. State bonds		$134,472.26

tember 4, 1866, *to May* 4, 1868, *both days inclusive*—Continued.

FUND.

By sales of specie for currency, as per contra, in specie..........		$300.00
By balance on hand, May 31, 1868, viz :		
In specie..................	$59.479.31	
In U. S. currency..........	1,828.08	
In six per cent. State bonds (manuscript)	320,367.13	
In five per cent. State bonds..	82,168.82	
In six per cent. railroad bonds.	1,753,317.00	2,217,160.34
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
		$2,217,460.34

FUND.

By balance on hand May 31, 1868, viz :		
In five per cent. State bonds..		$134,472.26

Statement from the Books of the Comptroller's Office from Sep

UNIVERSITY

To receipts from M. H. Royston, late Treasurer, viz:		
In Comptroller's certificate of indebtedness		$10,300.41

SPECIAL

To receipts from M. H. Royston, late Treasurer, viz:		
In Comptroller's certificate of indebtedness		$79,409.50

SETTLEMENT

To receipts from M. H. Royston, late Treasurer, viz:		
In specie		$3,057.47
In U. S. currency..........		1,967.97
		$5,025.44

ESCHEATED

To receipts from M. H. Royston, late Treasurer, viz:		
In specie		$2,688.71

tember 4, 1867, *to May* 31, 1868, *both days inclusive*—Continued.

LAND SALES.

By balance on hand May 31, 1868, viz:		
In Comptroller's certificate of indebtedness		$10,300.41

LOAN TAX.

By balance on hand May 31, 1868, viz:		
In Comptroller's certificate of indebtedness		$79,409.50

OF ESTATES.

By balance on hand, May 31, 1868, viz:		
In specie		$3,057.47
In U. S. currency		1,967.97
		$5,025.44

ESTATES.

By balance on hand May 31, 1868, viz:		
In specie		$2,688.71

Statements from the Books of the Comptroller's Office from Sep

COUNTY

To receipts from M. H. Royston, late Treasurer, viz:		
In U. S. currency		$17,818.92
To receipts from Sept. 4, 1867, to May 31, 1868, viz:		
In U. S. currency		8,175.31½
To amount transferred from State Revenue		1,119.32
		$27,113.55½

ASSESSORS'

To receipts from M. H. Royston, late Treasurer, viz:		
In U. S. currency		$13.50

tember 4, 1867, *to May* 31, 1868, *both days inclusive*—Continued.

TAXES.

By balance on hand May 31, 1868, viz : In U. S. currency		$27,113.55½
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
		$27,113.55½

FEES.

By balance on hand May 31, 1868, viz : In U. S. currency		$13.50

Statement from the Books of the Comptroller's Office from Sep

RECAPITU

Of Balances on hand in the State Treasury

ACCOUNTS.	SPECIE.	U. S. CURRENCY	BONDS OF RAILROAD COMPANIES.
State Revenue	$195.34	$368,153.13¾	
School Fund	59,479.31	1,828.08	$1,753,317.00
University Fund			
University Land Sales			
Special Loan Tax			
Settlement of Estates	3,057.47	1,967.97	
Escheated Estates	2,688.71		
County Taxes		27,113.55½	
Assessors' Fees		13.50	
	$65,420.83	$399,076.24¼	$1,753,317.00

NOTE.—There has been drawn upon appropriations since Sep

State Revenue.............................
School Fund...............................

Total...................................

Which, if paid at the Treasury, would change the balances standing having declined to permit an examination of his disbursements, as Comptroller has been unable to give him proper credit for moneys *tember* 4, 1867; *to May* 31, 1868, *both days inclusive*—Concluded.

LATION

on the 31st day of May, 1868.

FIVE PER CENT. STATE BONDS.	SIX PER CENT. STATE BONDS.	COMPTROLLER'S CERTIFICATE OF INDEBTEDNESS.	TOTAL.
....	....	....	$368,348.47¾
$82,168,82	$320,367.13	....	2,217,160.34
134,472.26	....	....	134,472.26
....	....	$10,300.41	10,300.41
....	....	79,409.50	79,409.50
....	....	....	5,025.44
....	....	....	2,688.71
....	....	....	27,113.55½
....	....	....	13.50
$216,641.08	$320,367.13	$89,709.91	$2,844,532.19¼

tember 4, 1867, the sum of $166,771.53, viz:

....	$165,104.88
....	1,666.65
....	166,771.53

at the credit of the several accounts enumerated; but the Treasurer required by article 184, page 64, Oldham & White's Digest, the disbursed.

TABLE V.

STATEMENT OF WARRANTS

Drawn by the Comptroller on the Treasurer during the period commencing September 4, 1867, and ending May 31, 1868.

	CURRENCY.	CURRENCY.
JUDICIARY.		
Supreme Court:		
Salary of five judges............	$12,150.00	
Clerk's fees in felony cases.......	210.00	
Blanks, books, and stationery......	292.27	
Pay of sheriffs................	488.00	
Purchase of books for library......	459.68	
Postage, porter hire and wood.....	348.64	
Publishing reports Supreme Court.	3,095.91	
		$17,044.50
District Courts:		
Salary of fifteen judges of District Courts	$39,617.08	
Salary of fifteen attorneys of District Courts	10,514.15	
Costs due clerks, sheriffs and attorneys	4,320.89	
		$54,452.12
Attorney-General's Office:		
Salary of Attorney-General......	$2,124.99	
Attorney-General's fees in felony cases....................	180.00	
Books and stationery............	60.78	
Postage, porter hire and wood.....	138.46	$2,504.23

STATEMENT

Of warrants drawn by the Comptroller on the Treasurer during the period commencing September 4, 1867, and ending May 31, 1868—*Continued.*

	CURRENCY.	CURRENCY.
EXECUTIVE DEPARTMENT.		
Salary of Governor.............	$2,911.09	
Salary of Private Secretary.......	1,170.83	
Recovering fugitives from justice..	1,195.80	
Publishing proclamations.........	38.11	
Telegraphing	184.91	
Books and stationery............	246.37	
Postage, porter hire and wood.....	443.88	
Furnishing Governor's mansion ...	150.00	
New roof and change of old Land Office building..............	24.06	
		$6,365.05
STATE DEPARTMENT.		
Salary of Secretary of State......	$1,951.38	
Salary of clerk.................	1,125.00	
Office printing.................	62.50	
Books and stationery............	341.41	
Postage, express charges, porter hire and wood....	804.79	
Extra clerk hire................	158.27	
		$4,443.35
COMPTROLLER'S OFFICE.		
Salary of Comptroller..........	$1,229,17	
Salary of chief clerk............	1,483.31	
Salary of bookkeeper...........	1,120.00	
Salary of four assistant clerks....	3,437.70	
Books and stationery...	1,474.50	
Paper	629.73	
Printing	158.25	
Postage, porter hire and wood.....	369.13	
		$9,901.79

STATEMENT

Of warrants drawn by the Comptroller on the Treasurer during the period commencing September 4, 1867, and ending May 31, 1868—*Continued.*

	CURRENCY.	CURRENCY.
TREASURER'S OFFICE.		
Salary of Treasurer............	$812.51	
Salary of bookkeeper............	1,186.67	
Books and stationery............	96.60	
Postage, porter hire, wood and printing	363.15	
		$2,458.93
GENERAL LAND OFFICE.		
Salary of Commissioner..........	$1,854.16	
Salary of chief clerk and receiver..	2,570.00	
Salary of chief draftsman.........	1,260.80	
Salary of translator.............	1,186.67	
Salary of file, application, and examining clerks............	1,737.49	
Salary of six assistant draftsmen...	5,812.49	
Salary of six assistant clerks......	4,663.12	
Books and stationery...........	128.38	
Postage, porter hire, wood and printing	656.78	
		$19,869.89
ASYLUMS.		
Salary Superintendent of Lunatic Asylum..................	$1,513.88	
Support of Lunatic Asylum......	14,813.63	
Salary Superintendent of Deaf and Dumb Asylum...............	875.00	
Support of Deaf and Dumb Asylum	7,000.00	

STATEMENT

Of warrants drawn by the Comptroller on the Treasurer during the period commencing September 4, 1867, and ending May 31, 1868—*Continued.*

	CURRENCY.	CURRENCY.
ASYLUMS.		
Salary of Superintendent of Blind Asylum	675.00	
Support of Blind Asylum	4,326.56	
		$29,204.07
PENITENTIARY.		
Salary of Superintendent	$1,749.60	
Salary of financial agent	326.38	
Salary of three directors	581.25	
Salary of chaplain	375.00	
Salary of physician	525.00	
		$3,557.23
PENSIONS.		
Seventeen pensioners		$941.25
MISCELLANEOUS.		
Expense of sale of University lands		$20.25
Extra clerk hire for bringing up back taxes		1,427.19
Salary of agent to Alabama and other Indians		200.00
Repairing and re-furnishing Executive Mansion		2,926.56
Salary twenty District Judges, previous appropriation		713.88
Salary District Attorneys, previous appropriation		258.88

STATEMENT

Of warrants drawn by the Comptroller on the Treasurer during the period commencing September 4, 1867, and ending May 31, 1868—*Continued.*

	CURRENCY.	CURRENCY.
Furnishing Attorney-General's office		49.50
MILITARY APPROPRIATIONS.		
Fuel for office of Superintendent of Public Instruction....		$6.75
Stationery for office of Superintendent of Public Instruction......		....
Porter hire....................		28.50
Publishing Twenty-fifth volume Texas Law Reports		5,184.00
Keeper and night watch of Capitol.		539.67
Night watch of General Land Office		33.33
Night watch of Treasury building..		185.86
Salary of extra clerk, Treasurer's office.......		546.66
Contingent expenses Treasurer's office		153.58
Contingent expenses executive office		130.81
Repairs of Capitol..............		690.41
Distribution of Twenty-fifth volume of Texas Reports.............		166.64
Salary of sexton or keeper of State Cemetery..................		100.00
Stationery for the Convention, fifteenth June, 1868............		1,000.00
Total	....	$165,104.88

STATEMENT

Of warrants drawn by the Comptroller on the Treasurer during the period commencing September 4, 1867, and ending May 31, 1868—*Continued.*

RECAPITULATION.

		CURRENCY.
1867	October	$8,685.80
	November	27,918.00
	December	17,880.29
1868	January	25,811.55
	February	15,957.86
	March	29,855.22
	April	23,629.81
	May	15,366.35
	Total	$165,104.88

STATEMENT OF SPECIAL WARRANTS

Drawn by the Comptroller on the Treasurer during the period commencing September 4, 1867, and ending May 31, 1868.

	CURRENCY.
SCHOOL FUND.	
Salary of Superintendent of Public Instruction	$1,666.65

TABLE VI.

STATEMENT OF THE PUBLIC DEBT,

And of claims against the State, audited up to the first of September, 1867, by late Auditorial Board, created by act of November 9, 1866.

CURRENCY DEBT.			
Eight per cent. Bonds.			
Amount issued under act of March 20, 1861		$16,000.00	
Amount issued under act of April 8, 1861		917,000.00	$933,000.00
Ten per cent. Warrants.			
Amount issued under act of February 14, 1860, from June 6, 1860, to January 10, 1862		$384,569.88	
Amount funded in eight per cent. bonds, act of March 20, 1861	$14,273.06		
Amount paid in on account of University land sales	12,230.39		
Amount paid in on account of land dues, etc., at General Land Office, accruing to Common School Fund	11,239.71		
Amount paid in on account of sale of Quartermaster's property	5,155.71		

STATEMENT OF THE PUBLIC DEBT,

And of claims against the State, audited up to the 1st of September, 1867, by late Auditorial Board, created by act of November 9, 1866—*Continued.*

Amount paid in from other sources....	$601.54		
Amount redeemed at the Treasury, and non-interest warrants issued therefor............	231,991.86	$275,492.27	$109,077.61
Non-Interest Notes.			
Estimated amount issued in payment of military service, prior to February 1, 1861................		$10,000.00	
Estimated amount of civil warrants, issued in payment of pensions and Second Class Debt of late Republic......................		5,000.00	
			15,000.00
Eight per cent. Certificates.			
Amount issued in payment of the Wise and Parker County Minute Companies, in conformity with Section three of an act to provide means for the defense of the frontier, approved November 12, 1866.....................		....	3,671.00
NOTE.—The principal and interest of these certificates are payable, when provision therefor shall be made.			

STATEMENT OF THE PUBLIC DEBT,

And of claims against the State, audited up to the 1st of September, 1867, by late Auditorial Board, created by act of November 9, 1866—*Continued.*

Unaudited Claims.		
Estimated amount..............		8,323.48
Total currency debt.........	....	$1,069,072.09
Of this amount there was audited by the late Auditorial Board, as follows:		
Eight per cent. Bonds.		
Amount issued under act of March 20, 1861: Principal $3,913.96 Interest 219.60 $4,133.56		
Amount issued under act of April 8, 1861: Principal $25,428.54 Interest .. 4,961.34 $30,389.88	$34,523.44	
Ten per cent. Warrants.		
Amount issued under act of February 14, 1860: Principal. ..... $39,531.85 Interest 24,567.52	64,099.37	
Non-Interest Notes.		
Amount of $231,991.86 exchanged for ten per cent. warrants: Principal ...... $23,977.56 Interest......... 9,910.16	33,887.72	

STATEMENT OF THE PUBLIC DEBT,

And of claims against the State, audited up to the 1st of September, 1867, by late Auditorial Board, created by act of November 9, 1866—*Continued.*

Eight per cent. Certificates.		
Amount issued in payment of Wise and Parker Counties Minute Companies....................	3,509.76	
Unaudited Claims.		
Amount audited.................	3,323.48	
Total amount audited.......	$139,343.77	
Six per cent. bonds issued for.	123,088.40	
Certificates outstanding....	$16,255.37	
SPECIE DEBT		
In addition to the above.		
Amount of five per cent. State bonds, payable January 1, 1879, issued to University Fund in conformity with section one of an act to secure the Common School and University Fund, approved November 12, 1866....................	$134,472.26	
Amount of five per cent. State bonds, payable same time, issued to Common School Fund, in conformity with section two of same act, both being based upon five per cent. United States Indemnity Bonds, formerly belonging to said funds.	$82,168.82	
		$216,641.08

STATEMENT OF THE PUBLIC DEBT,

And of claims against the State, audited up to the 1st of September, 1867, by late Auditorial Board, created by act of November 9, 1866—*Concluded.*

RECAPITULATION.

Amount of eight per cent. bonds, act of March 20, 1861 (currency)..	$16,000.00	
Amount of eight per cent. bonds, act of April 8, 1861	917,000.00	
Amount of ten per cent. warrants, act of February 14, 1860......	109,077.61	
Amount of non-interest notes.. ...	15,000.00	
Amount of eight per cent. certificates........................	3,671.00	
Amount of unaudited claims......	8,323.48	
		$1,069,072.09
Amount audited by late Auditorial Board	... .	139,343.77
		929,728.32
Amount of five per cent. State bonds (specie)	.. ..	216,641.08
Total debt..............	....	$1,146,369.40

NOTE.—The probable amount yet to be paid to School Fund, under section two, act of November 12, 1866, should be added to the above; but, as this matter has been kept entirely within the control and management of the Executive, I have no data whatsoever upon which to base an estimate.

E

NAME OF ROADS.	PERIOD FOR WHICH THE REPORT IS MADE.	CAPITAL STOCK.	STOCK PAID IN.	AMOUNT EXPENDED FOR LAND, CONSTRUCTION OF ROAD, BUILDINGS, ETC.
Pacific Railroad	Year ending May 31, 1867.	$1,010,647.32	$1,010,647.32	$13,000.00
and Texas Central Railroad	Year ending June 1, 1868.	10,515.00	....	2,021.00
n, Houston and Henderson Railroad	Year ending March 1, 1868.	228,500.00	128,500.00	rolling stock hired
n, Houston and Henderson Junction	Year ending March 1, 1868.	50,000.00	50,000.00	90,145.00
ton County Railroad	Year ending October 1, 1868.	270,000.00	160,000.00	21,114.93

EXHIBIT OF THE REPORTS OF RAILROAD COMPANIES—Act of February 7, 1853

TABLE VII.

ITAL STOCK.	STOCK PAID IN.	AMOUNT EXPENDED FOR LAND, CONSTRUCTION OF ROAD, BUILDINGS, ETC.	INDEBTEDNESS.	AMOUNT DUE COMPANY.	RECEIVED FOR TRANSPORTATION.	FREIGHT.	EXPENSES.	ENGINE HOUSES AND SHOPS.	ENGINES AND CARS.	MILES RUN BY TRAINS.	NUMB OF MEN EMPL
						Tons.					
1,010,647.32	$1,010,647.32	$13,000.00	$601,181.23	$81,545.67	$283,193.34	7,319	$82,984.36	2	16	32,800	
10,515.00	....	2,021.00	1,090,919.31	....	456,242.60	32,301	219,165.39	20	83	73,870	
228,500.00	128,500.00	rolling stock hired	125,000.00	....	463,292.00	57,000	282,295.00	[rented]	[hired]	75,000	
50,000.00	50,000.00	90,145.00	35,000.00	....	nothing; all rolling stock hired out	....	....	6	75	....	....
270,000.00	160,000.00	21,114.93	....	....	43,966.18	....	20,499.40	2	14	20,000	

F RAILROAD COMPANIES—Act of February 7, 1853

TABLE VII.

RECEIVED FOR RANSPORTATION.	FREIGHT. Tons.	EXPENSES.	ENGINE HOUSES AND SHOPS.	ENGINES AND CARS.	MILES RUN BY TRAINS.
$288.193.34	7.319	$82,984.36	2	16	32,800
476.242.60	32.301	219,165.39	20	83	73,870
463,292.00	57.000	282,295.00	[rented]	[hired]	75,000
thing: all roll- ng stock hired out	....	....	6	75	....
43.966.18	....	20,499.40	2	14	20,000

NUMBER OF MEN EMPLOYED.	PERSONS INJURED	PERSONS INJURED FROM NEGLIGENCE.	SALE OF LAND DONATED BY THE STATE.	LAND NOT SOLD.
			Acres.	Acres.
137	1	....	....	....
		....	....	....
342	1	....	....	....
		....	....	....
122	....	....	....	....
		....	....	....
....	....	....	....	....
		....	....	....
40	4	....	....	....

SOUTHERN PACIFIC

DATE OF LOAN.		PRINCIPAL.			INTEREST.
		U. S. Five per cent. Bonds.	Interest on Bonds.	Total.	
1862.					
May 31	To loan............	$148,000.00	$200.00	$150,000.00	....
1868.					
March 1	To interest on bonds....	....	....	....	$52,625.00
		$148,000.00	$200.00	$150,000.00	$52,625.00

To balance due March 1, 1868, brought down:

Principal	$150,000.00	
Interest..	52,625.00	
		$202,625.00

ROAD CON

RAILROAI

DATE OF I

18(

March 1 . . .

. . . .

. . . .

. . . .

. . . .

SOUTHERN PACIFIC

	PRINCIPAL.			INTEREST.
	U. S. Five per cent. Bonds.	Interest on Bonds.	Total.	
....	$148,000.00	$200.00	$150,000.00	....
onds....	....	....	....	$52,625.00
	$148,000.00	$200.00	$150,000.00	$52,625.00

ught down :

....	$150,000.00	
....	52,625.00	
		$202,625.00

ROAD COMPANIES—Concluded.

RAILROAD.

DATE OF PAYMENT.		PRINCIPAL, TWO PER CENT. SINKING FUND.	INTEREST.
1868.			
March 1	To balance due........	$150,000.00	$52,625.00
....	....	....	....
....	....	....	....
....	....	....	....
....	....	....	....
		$150,000.00	$52,625.00

TEXAS AND NEW

DATE OF LOAN.		PRINCIPAL.			INTEREST.
		U. S. five per cent. Bonds.	Specie.	Total.	
1860.					
April 26	To loan	$177,000.00	$3,000.00	$180,000.00	
June 25	To loan	87,000.00	3,000.00	90,000.00	
November 16	To loan	29,000.00	1,000.00	30,000.00	
December 13 December 23 1861. January 19	To loan	128,000.00	2,500.00	$130,500.00	
1868.					
March 1	To interest on bonds				$195,081.52
		$421,000.00	$9,500.00		

To balance due March 1, 1868, brought down:

Principal	$430,500.00	
Interest	164,666.25	
		$595,166.25

ROAD COMPANIES—Continued.

ORLEANS RAILROAD.

DATE OF PAYMENT.		PRINCIPAL, TWO PER CENT. SINKING FUND	INTEREST.
			Specie.
1861.			
March 1	By deposit		$14,271.52
1867.			
January 5	By deposit		16,143.75
....	....	....	....
....	....	....	....
....	....	....	....
....	....	....	....
1868.			
March 1	Balance due	$430,500.0	164,666.25
		$430,500.0	$195,081.52

DATE OF LOAN.		PRINCIPAL.			INTEREST.
		Specie.	U. S. five per cent. Bonds and premium.	Total.	
1858.					
March 1	To loan	$5,000.00	$145,000.00	$150,000.00	
June 30 August 17	To loan	2,000.00	58,000.00	60,000.00	
1859.					
January 5	To loan	1,000.00	29,000.00	30,000.00	
March 4 April 5	To loan	2,000.00	58,000.00	60,000.00	
April 30	To loan	2,000.00	58,000.00	60,000.00	
October 1	To loan	1,000.00	29,000.00	30,000.00	
December 19	To loan	1,000.00	29,000.00	30,000.00	
1863.					
March 1	Interest on Bonds				$228,158.00
		$14,000.00	$406,000.00	$420,000.00	$228,158.00

To Balance due March 1, 1868, brought down:
Principal $408,000.00
Interest 91,800.00 $499,800.00

AND COLORADO RAILROAD.

DATE OF PAYMENT.		PRINCIPAL.	INTEREST.			
		Two per cent. Sinking Fund. Specie.	Specie.	Eight per cent. State Warrants	Warrants fundable in eight per cent. State Bonds.	Total.
1859.						
February 28	By deposit		$9,000.00			$9,000.00
February 28	By deposit		1,200.00			1,200.00
February 28	By deposit		970.00			970.00
February 28	By deposit		275.00			275.00
February 28	By deposit	$3,000.00				
July 1	By deposit	600.00				
August 16	By deposit	600.00				
1860.						
January 5	By deposit	600.00				
March 1	By deposit	3,000.00				
March 5	By deposit	600.00				
March 31	By deposit		20,773.75			20,773.75
April 5	By deposit	600.00				
July 24	By deposit	600.00				
October 8	By deposit	2,400.00				
1864.						
August 20	By deposit			$2,000.00		2,000.00
August 29	By deposit			21,815.00		21,815.00
September 19	By deposit				$74,204.25	74,204.25
1867.						
January 7	By deposit		6,120.00			6,120.00
1868.						
March 1	Balance due	408,000.00				91,800.00
		$420,000.00	$38,338.75	$23,815.00	$74,204.25	$228,158.00

HOUSTON TAP AND

DATE OF LOAN.		PRINCIPAL.				INTEREST.
		Two per cent. Sinking Fund.	U. S. five per cent. Bonds.	Specie.	Total.	
1859. December 22 1860. February 28	To loan		$234,000.00	$6,000.00	$240,000.00	
July 1	To loan		30,000.00		30,000.00	
October 12	To loan	$6,000.00	23,000.00	1,000.00	30,000.00	
1868. March 1	To interest on bonds					$142,849.58
		$6,000.00	$287,000.00	$7,000.00	$300,000.00	$142,849.58

To balance due March 1, 1868, brought down:

Principal	$295,800.00	
Interest	70,990.87	
		$366,790.87

ROAD COMPANIES—Continued.

BRAZORIA RAILROAD.

DATE OF PAYMENT.		PRINCIPAL, TWO PER CENT. SINKING FUND, SPECIE.
1860.		
February 27	By deposit	
1861.		
January 1	By deposit	$4,200.00
1864.		
June 23	By deposit	
July 13	By deposit	
August 20	By deposit	
August 24	By deposit	
1868.		
March 1	Balance due	295,800.00
		$300,000.00

HOUSTON TAP AND

PRINCIPAL.				INTEREST.
Two per cent. Sinking Fund.	U. S. five per cent. Bonds.	Specie.	Total.	
....	$234,000.00	$6,000.00	$240,000.00	....
....	30,000.00	....	30,000.00	....
$6,000.00	23,000.00	1,000.00	30,000.00	....
....	....	....	....	....
....	....	....	....	....
....	....	....	....	....
....	....	....	....	....
....	....	....	....	....
....	....	....	....	....
....	....	....	....	$142,849.58
$6,000.00	$287,000.00	$7,000.00	$300,000.00	$142,849.58

ought down :

....	$295,800.00	
....	70,990.87	
		$366,790.87

ROAD COMPANIES—Continued.

BRAZORIA RAILROAD.

DATE OF PAYMENT.		PRINCIPAL, TWO PER CENT. SINKING FUND, SPECIE.	INTEREST.			
			Specie.	Eight per cent. Warrants.	Six per cent. Warrants.	Total.
1860.						
February 27	By deposit	....	$2,375.38	....	....	$2,375.38
1861.						
January 1	By deposit	$4,200.00	....	....	....	....
1864.						
June 23	By deposit	....	....	$2,000.00	....	2,000.00
July 13	By deposit	....	....	....	$13,163.33	13,163.33
August 20	By deposit	....	....	270.00	1,730.00	2,000.00
August 24	By deposit	....	....	50,075.00	2,245.00	52,320.00
....	....	....	....	....	....	....
1868.						
March 1	Balance due	295,800.00	....	....	....	70,990.87
		$300,000.00	$2,375.38	$52,345.00	$17,138.33	$142,849.58

WASH

DATE OF LOAN.		PRINCIPAL.			INTEREST.
		U. S. Five per cent. Bonds.	Specie	Total.	
1859.					
June 28	To loan	$64,000.00	$2,000.00	$66,000.00	
1868.					
March 1	To interest on bonds				$29,312.59
		$64,000.00	$2,000.00	$66,000.00	$29,312.59

To Balance due March 1, 1868, brought down:

Principal	$37,017.00	
Interest	6,667.96	$43,684.96

RAILROAD COMPANIES—Continued.

INGTON COUNTY RAILROAD.

DATE OF PAYMENT.		PRINCIPAL, TWO PER CENT. S		
		State Warrants fundable in Eight per cent. Bonds.	State Warrants fundable in Six per cent. Bonds.	Sp
1860.				
February 28	By deposit			
June 6	By deposit			$1,
1864.				
July 11	By deposit			
August 25	By deposit			
1865.				
May 11	By deposit			
May 11	By deposit	$2,364.80	$25,298.20	
1867.				
January 1	By deposit			
1868.				
March 1	Balance due			
		$2,364.80	$25,298.20	$1.

RAILROAD COMPANIES—Continued.

INGTON COUNTY RAILROAD.

DATE OF PAYMENT.		PRINCIPAL, TWO PER CENT. SINKING FUND.				INTEREST.				
		State Warrants fundable in Eight per cent. Bonds.	State Warrants fundable in Six per cent. Bonds.	Specie.	Total.	Eight per cent. State Warrants.	Six per cent. State Warrants.	State Warrants fundable in Eight per cent. Bonds.	Specie.	Total.
1860.										
February 28	By deposit								$2,899.45	$2,899.45
June 6	By deposit			$1,320.00	$1,320.00					
1864.										
July 11	By deposit					$11,563.41	$1,192.00			12,755.41
August 25	By deposit					1,140.99	1,650.00			2,790.99
1865.										
May 11	By deposit							$3,880.80		3,880.80
May 11	By deposit	$2,364.80	$25,298.20		27,663.00					
1867.										
January 1	By deposit								317.98	317.98
1868.										
March 1	Balance due				37,017.00					6,667.96
		$2,364.80	$25,298.20	$1,320.00	$66,000.00	$12,704.40	$2,842.00	$3,880.80	$3,217.43	$29,312.59

TABLE

Reports of Rail

HOUSTON AND TEXAS

DATE OF LOAN.		PRINCIPAL.			INTEREST.
		U. S. five per cent. Bonds.	Specie.	Total.	
1857.					
April 13	To loan	$141,000.00	$9,000.00	$150,000.00	
October 28	To loan	56,000.00	4,000.00	60,000.00	
1858.					
May 31	To loan	58,000.00		58,000.00	
July 6	To loan	29,000.00	3,000.00	32,000.00	
1859.					
February 23	To loan	29,000.00	1,000.00	30,000.00	
June 15		116,000.00	4,000.00	120,000.00	
July 22					
August 2					
August 20					
1868.					
March 1	To interest on bonds				$257,255.56
		$429,000.00	$21,000.00	$450,000.00	$257,255.56
1868.					
March 1	To bal. due brought over.			$432,000.00	$63,390.00

VIII.

road Companies.

CENTRAL RAILROAD.

DATE OF PAYMENT.	NUMBER OF DEPOSIT WARRANTS.	PRINCIPAL.	INTEREST.				TOTAL INTEREST.
			Specie.	State Warrants	Warrants fundable in eight per cent. State Bonds.	Warrants fundable in six per cent. State Bonds.	
1858.							
March 1	3327		$7,915.00				$7,915.00
March 1	3328		1,240.00				1,240.00
April 14	3343	$3,000.00					
November 4	3532	1,200.00					
1859.							
February 12	3573		9,000.00				9,000.00
February 12	3574		3,600.00				3,600.00
February 12	3575		1,350.00				1,350.00
February 12	3576		1,350.00				1,350.00
February 12	3577		1,168.76				1,168.76
February 28	3601		25.00				25.00
April 12	3648	3,000.00					
May 31	3685	1,200.00					
July 5	3802	600.00					
November 1	25	1,200.00					
1860.							
February 23	82	600.00					
March 1	105		24,152.45				24,152.45
April 13	123	3,000.00					
May 31	172½	1,200.00					
June 15	186	600.00					
July 10	242	600.00					
August 31	328	1,800.00					
1864.							
January 20	905			$23,466.76			23,466.76
March 30	907			6,670.00			6,670.00
April 19	908			15,009.92			15,009.92
April 19	909			4,000.00			4,000.00
July 13	915				$31,618.69	$42.00	31,660.69
August 20	918				2,000.00		2,000.00
August 24	922				22,569.98	397.00	22,966.98
1866.							
December 31	5		2,855.00				2,855.00
1867.							
January 1	8		3,375.00				3,375.00
April 23	14		10,830.00				10,830.00
May 4	15		10,500.00				10,500.00
May 24	16		4,500.00				4,500.00
December 31	22		6,230.00				6,230.00
1868.							
March 1	Balance due	432,000.00					63,390.00
		$450,000.00	$88,091.21	$49,146.68	$56,188.67	$439.00	$257,255.56

TABLE IX.

STATEMENT OF AMOUNTS

Paid by the Treasury, State of Texas, on account of Asylums, from their establishment to the first day of June, 1868.

		AMOUNTS PAID
On account of lands appropriated for the benefit of Asylums:		
Amounts paid to October 31, 1857....................	$8,600.50	
Amounts paid to August 31, 1859	678.00	
		$9,278.50
LUNATIC ASYLUM.		
Amounts drawn to October 31, 1857	$2,663.46	
Amounts drawn to August 31, 1859	2,577.78	
Amounts drawn for purchase of site, furnishing and support, August 31, 1859	4,500.00	
Amounts drawn for support, furnishing, etc., to August 31, 1861	6,633.66	
Amounts drawn for support to August 31, 1861...........	42,502.61	
		58,877.51
Amounts drawn to August 31, 1862	$14,000.00	
Amounts drawn to August 31, 1863	10,166.66	
Amounts drawn to June 1865....	145,000.00	
		169,166.66

STATEMENT

Of amounts paid by the Treasury, State of Texas, on account of Asylums, from their establishment to the first day of June, 1868—*Continued.*

		AMOUNTS PAID
Provisional Government.		
Amounts drawn from October 13, 1865, to August 13, 1866, A. J. Hamilton, Governor..	$11,216.67	
Amounts drawn from August 14, 1866, to September 3, 1867, J. W. Throckmorton, Governor	28,297.37	
Amounts drawn from September 4, 1867, to June 1, 1868, E. M. Pease, Governor.......	16,327.51	$55,841.55
Lunatic Asylum total	....	$283,885.72
DEAF AND DUMB ASYLUM.		
Amounts drawn to October 31, 1857....................	$5,579.02	
Amounts drawn to August 31, 1859....................	4,420.98	
Amounts drawn for purchase and improving site, to August 31, 1859....................	7,500.00	
Amounts drawn for support to August 31, 1859	6,500.00	
Amounts drawn to August 31, 1861	12,945.11	$36,945.11
Amounts drawn to August 31, 1862	$8,500.00	

STATEMENT

Of amounts paid by the Treasury, State of Texas, on account of Asylums, from their establishment to the first day of June, 1868—*Continued.*

		AMOUNTS PAID
Amounts drawn to August 31, 1863	$8,500.00	
Amounts drawn to June, 1865	62,500.00	
		$79,500.00
Provisional Government.		
Amounts drawn from October 13, 1865, to August 13, 1866, A. J. Hamilton, Governor	$16,000.00	
Amounts drawn from August 14, 1866, to September 3, 1867, J. W. Throckmorton, Governor	12,875.00	
Amounts drawn from September 4, 1867, to June 1, 1868, E. M. Pease, Governor	7,875.00	
		36,750.00
Deaf and Dumb Asylum total		$153,195.11
BLIND ASYLUM.		
Amounts drawn to October 31, 1857	$4,336.73	
Amounts drawn to August 31, 1859	4,148.69	
Amounts drawn for purchase and improvement of site, to August 31, 1859	12,393.00	
Amounts drawn for support to August 31, 1859	5,605.94	

STATEMENT

Of amounts paid by the Treasury, State of Texas, on account of Asylums, from their establishment to the first day of June, 1868—*Continued.*

		AMOUNTS PAID
Amounts drawn for support to August 31, 1869	$894.06	
		$27,378.42
Amounts drawn to August 31, 1862	$11,183.59	
Amounts drawn to August 31, 1863	8,189.62	
Amounts drawn to June, 1865....	26,000.00	
		$45,373.21
Provisional Government.		
Amounts drawn from October 13, 1865, to August 13, 1866, for repairs, A. J. Hamilton, Governor	$687.42	
Amounts drawn from October 13, 1865, to August 13, 1866, for support of blind persons, A. J. Hamilton, Governor..	1,843.82	
Amounts drawn from August 14, 1866, to September 3, 1867, J. W. Throckmorton, Governor	4,960.22	
Amounts drawn from September 4, 1867, to June 1, 1868, E. M. Pease, Governor.......	5,001.56	
		12,493.02
Blind Asylum total...........	....	$85,244.65

STATEMENT

Of amounts paid by the Treasury, State of Texas, on account of Asylums, from their establishment to the first day of June, 1868—*Continued.*

RECAPITULATION.

Amounts drawn for lands appropriated for Asylums	$9,278.50
Amounts drawn for the Lunatic Asylum	283,885.72
Amounts drawn for the Deaf and Dumb Asylum	153,195.11
Amounts drawn for the Blind Asylum	85,244.65
Total amounts drawn	$531,603.98
Amounts paid in specie	$132,479.54
Amounts paid in State Treasury Warrants	294,039.87
Amounts paid in U. S. Currency	105,084.57
Total amounts drawn	$531,603.98

STATEMENT

Of amounts paid by the Treasury, State of Texas, on account of Asylums, from their establishment to the first day of June, 1868—*Concluded.*

Specification of kind of funds in which payments were made.

	IN SPECIE.	IN STATE TREASURY WARRANTS.	IN U. S. CURRENCY.	TOTAL AMOUNT
For lands appropriated to Asylums........	$9,278.50	....	....	$9,278.50
For Lunatic Asylum	58,877.51	169,166.66	55,841.55	283,885.72
For Deaf and Dumb Asylum	36,945.11	79,500.00	36,750.00	153,195.11
For Blind Asylum	27,378.42	45,373.21	12,493.02	85,244.65
Total each kind funds............. .	$132,479.54	$294,039.87	$105,084.57	$531,603.98

TABLE X.

STATEMENT

Of amounts paid by the Treasury of the State of Texas on account of the State Penitentiary, from its establishment to the first day of June, 1868.

For the erection and support of the Penitentiary.		
For the erection and support of the Penitentiary, 1848	$10,000.00	
For the erection and support of the Penitentiary, 1849	10,000.00	
For the construction and support of the Penitentiary, 1850	5,000.00	
For the construction and support of the Penitentiary, 1850	2,000.00	
For the construction and support of the Penitentiary, 1851	5,000.00	
For the construction and support of the Penitentiary, 1852	22,258.01	
For the support of the Penitentiary, 1853	22,268.00	
For the support of the Penitentiary, 1854	21,400.00	
For the support of the Penitentiary, 1855	21,400.00	
For pay of claims against the Penitentiary, 1856	5,548.70	
For the support of the Penitentiary, 1856	15,300.00	
For the support of the Penitentiary, 1857	15,300.00	
		$155,474.71

STATEMENT

Of amounts paid by the Treasury of the State of Texas on account of the State Penitentiary, from its establishment to the first day of June, 1868—*Continued.*

For the erection of factory, purchase of materials, pay of employes, machinery, and for fuel.		
For the erection of factory, 1854 ..	$35,000.00	
For the purchase of site for warehouse, 1856	2,000.00	
For the purchase of raw materials and fuel, 1856	9,000.00	
For the purchase of material, pay of master engineer, and extra expenses, 1856	10,000.00	
For the support of cotton and woolen factories, pay of employes, purchase of raw material and fuel, 1857	9,000.00	
For the purchase of materials for State Factory, 1857	20,000.00	
For the purchase of materials for State factory, 1860	15,000.00	
For the purchase of machinery for State factory, 1860	27,000.00	
		$127,000.00
Salary of Superintendent.		
Salary of Superintendent, 1854 ...	$1,200.00	
Salary of Superintendent, 1855 ...	1,200.00	
Salary of Superintendent, 1856 ...	1,200.00	
Salary of Superintendent, 1857 ...	1,200.00	
Salary of Superintendent, 1860 ...	1,487.50	
Salary of Superintendent, 1861 ...	1,512.50	
		$7,800.00
Salary of Superintendent, 1862 ...	$1,500.00	
Salary of Superintendent, 1863 ...	1,500.00	
		$3,000.00

STATEMENT

Of amounts paid by the Treasury of the State of Texas on account of the State Penitentiary, from its establishment to the first day of June, 1868—*Continued.*

Salary of Superintendent, 1867 and 1868		$1,749.60
		$12,549.60
Salary and extra pay to Clerk and Financial Agent.		
Salary of Clerk, 1854	$900.00	
Salary of Clerk, 1855	900.00	
Salary of Financial Agent, 1856	1,200.00	
Pay for extra services of Financial Agent, 1856	500.00	
Salary of Clerk and Financial Agent, 1857	1,200.00	
Salary of Financial Agent, 1860	1,500.00	
Salary of Financial Agent, 1861	1,462.50	$7.662.50
Salary of Financial Agent, 1862	$1,375.00	
Salary of Financial Agent, 1863	1,500.00	
Salary of Financial Agent, 1864	1,500.00	4,375.00
Salary of Financial Agent, 1867	23.12	
Salary of Financial Agent, 1868	326.38	349.50
		$12,387.00
Salary of Directors and Physicians.		
Salary of four Directors and Physicians, 1856	$695.49	
Salary of four Directors and Physicians, 1857	1,198.54	
Salary of three Directors, 1860	750.00	
Salary of three Directors, 1861	743.16	$3,387.19

STATEMENT

Of amounts paid by the Treasury of the State of Texas on account of the State Penitentiary, from its establishment to the first day of June, 1868—*Continued.*

Salary of three Directors, 1862...	$750.00	
Salary of three Directors, 1863...	625.00	
		$1,375.00
Salary of three Directors, 1867 and 1868	....	581.25
		$5,343.44

Salary of Chaplain.

Pay of Chaplain, 1857	$229.17	
Salary of Chaplain, 1860	250.00	
Salary of Chaplain, 1861	208.32	
		$687.49
Salary of Chaplain, 1862	250.00	
Salary of Chaplain, 1863	250.00	
		500.00
Salary of Chaplain, 1867 and 1868	....	375.00
		1,562.49

Salary of Physician.

Salary of Physician, 1860........	$500.00	
Salary of Physician, 1861........	492.36	
		$992.36
Salary of Physician, 1862........	500.00	
Salary of Physician, 1863........	500.00	
		1,000.00
Salary of Physician, 1867 and 1868	....	525.00
		$2,517.36

STATEMENT

Of amounts paid by the Treasury of the State of Texas on account of the State Penitentiary, from its establishment to the first day of June, 1868—*Continued.*

Stationery, Postage and Printing.		
For stationery, postage and printing, 1860...................	$150.00	
For stationery, postage and printing, 1861	150.00	
		$300.00
For stationery, postage and printing, 1862..................	....	112.50
		$412.50
Add for transportation of convicts to Penitentiary:		
For 1858, 1859, 1860 to 1861....	....	$20,223.00
For 1861 and 1862..............	....	3,549.90
		$23,772.90

STATEMENT

Of amounts paid by the Treasury of the State of Texas on account of the State Penitentiary, from its establishment to the first day of June, 1868—*Continued.*

RECAPITULATION.

Summary statement of the various accounts.

For the erection and support of the Penitentiary	$155,474.71	
For the erection of factory, materials, machinery, etc	127.000.00	
		$282,474.71
For salary of Superintendent	$12,549.60	
For salary of Clerk and Financial Agent	12,387.00	
For salary of Directors	5,343.44	
For salary of Chaplain	1,562.49	
For salary of Physician	2,517.36	
		34,359.89
For stationery, postage and printing		412.50
For transportation of convicts to Penitentiary		23,772.90
		$341,020.00

STATEMENT

Of amounts paid by the Treasury of the State of Texas on account of the State Penitentiary, from its establishment to the first day of June, 1868—*Concluded.*

SPECIFICATION OF KIND OF FUNDS IN WHICH PAYMENTS WERE MADE.

ACCOUNTS.	SPECIE.	STATE TREASURY WARRANTS.	U. S. CURRENCY.	TOTAL.
For erection and support of the Penitentiary	$155,474.71	....	....	$155,474.71
For erection of factory, materials, machinery, etc	127,000.00	....	....	127,000.00
For salary of Superintendent	7,800.00	3,000.00	1,749.60	12,549.60
For salary of Cl'k and Financial Ag't	7,662.50	4,375.00	349.50	12,387.00
For salary of Directors	3,387.19	1,375.00	581.25	5,343.44
For salary of Chaplain	687.49	500.00	375.00	1,562.49
For salary of Physician	992.36	1,000.00	525.00	2,517.36
For stationery, postage and printing	300.00	112.00	....	412.50
For transportation of convicts to Penitentiary	20,223.00	3,549.90	....	23,772.90
	$323.527.25	$13,912.40	$3,580.35	$341,020.00

Paid in Specie	$323,527.25
Paid in State Treasury Warrants	13,912.40
Paid in U. S. Currency	3,580.35
Total	$341,020.00

TABLE XI.

STATEMENT

Of the amount and character of Funds paid for School Lands during the rebellion.

ON ACCOUNT OF	SPECIE.	TEN PER CENT. WARRANTS.	STATE TREASURY WARRANTS.	CONFEDERATE NOTES.	TOTAL.
University Land Sales........	$9.16	$12,230.39	$10,300.41	$114,804.48	$137,344.44
Sales of Land Scrip	216.36	10,608.60	4,308.60	207,376.36	222,509.92
Settlers' Claims	....	5,094.75	959.25	5,015.48	14,069.48
Grand total	$225.52	$27,933.74	$15,568.26	$330,196.32	$373,923.84

STATEMENT

Of the amount and character of funds paid for School Lands during the rebellion—*Continued.*

The $137,344.44 received on account of University Land Sales were deposited to credit of University Land Sales as follows, viz:		
In specie..................	$9.16	
In ten per cent. State Warrants..................	12,230.39	
In State Treasury Warrants (non-interest)..........	10,300.41	
In Confederate States Notes	114,804.48	
		$137,344.44
Of the $222,509.92 received on account of Sales of Land Scrips, $7,900.45 were deposited to credit of School Fund under act of February 11, 1858, as follows, viz:		
In specie	$183.36	
In ten per cent. Warrants ..	7,717.00	
		$7,900.45
and $214,609.47 deposited to credit of State Revenue, under act of January 1, 1862, chapter xxiv, as follows, viz:		
In specie	$33.00	
In ten per cent. State Warrants	2,891.51	
In State Treasury Warrants (non-interest)	4,308.60	
In Confederate States Notes	207,376.36	
		$214,609.47

STATEMENT

Of the amount and character of funds paid for School Lands during the rebellion—*Concluded.*

Of the $14,069.48 received of Settlers' Claims, $4,010.05 were deposited to credit of School Fund as follows, viz:		
In ten per cent. Warrants ..	....	$4,010.05
and $10,059.43 deposited to credit of State Revenue, as follows, viz:		
In ten per cent. State Warrants	$1,084.70	
In State Treasury Warrants (non-interest)	959.25	
In Confederate States Notes	8,015.48	
		$10,059.43
		$373,923.84

TABLE XII.

REPORT OF LICENSE AND OCCUPATION TAXES

Returned for the year 1867.

NAME OF COUNTY.	TO WHAT TIME RETURNED.	AMOUNT.
Anderson	September 30, 1867	$672.00
Angelina	September 30, 1867	300.00
Atascosa	September 30, 1867	199.99
Austin	No returns.	
Bandera	September 30, 1867	231.96
Bastrop	March 31, 1867	522.47
Blanco	No returns.	
Bee	September 30, 1867	37.50
Bell	September 30, 1867	982.47
Bexar	September 30, 1867	10,840.46
Bosque	September 30, 1867	468.43
Bowie	September 30, 1867	700.00
Brazoria	September 30, 1867	851.21
Brazos	September 30, 1867	2,820.63
Brown	March 30, 1867	25.00
Burleson	June 30, 1867	680.62
Burnet	June 30, 1867	93.32
Calhoun	September 30, 1867	3,948.15
Caldwell	September 30. 1867	1,254.52
Cameron	September 30, 1867	3,648.52
Comal	September 30, 1867	1,575.15
Clay	[See Montague co.]	
Collin	September 30, 1867	579.64
Colorado	September 30, 1867	3,113.87
Chambers	No returns.	
Cherokee	September 30, 1867	1,029.16
Comanche	No returns.	
Cooke	September 30, 1867	462.50
Coryell	September 30, 1867	490.52
Coleman	June 30, 1867	100.00

REPORT

Of License and Occupation Taxes returned for the year 1867—*Continued.*

NAME OF COUNTY.	TO WHAT TIME RETURNED.	AMOUNT.
Dallas	September 30, 1867	$712.50
Davis	September 30, 1867	545.00
Denton	September 30, 1867	367.35
DeWitt	September 30, 1867	548.53
Ellis	September 30, 1867	473.32
El Paso	September 30, 1867	897.50
Erath	September 30, 1867	150.00
Falls	September 30, 1867	1,027.18
Fannin	September 30, 1867	1,426.98
Fayette	September 30, 1867	3,359.16
Fort Bend	September 30, 1867	2,163.66
Freestone	September 30, 1867	842.50
Galveston	September 30, 1867	20,878.07
Gillespie	September 30, 1867	892.38
Goliad	September 30, 1867	510.00
Gonzales	September 30, 1867	1,383 33
Guadalupe	September 30, 1867	948.07
Grayson	September 30, 1867	999.25
Grimes	September 30, 1867	3,267.50
Hamilton	September 30, 1867	75.00
Hays	September 30, 1867	215.00
Harris	September 30, 1867	6,299.96
Harrison	September 30, 1867	3,633.32
Hardin	June 30, 1867	37.50
Henderson	September 30, 1867	445.00
Hidalgo	March 31, 1867	109.30
Hill	June 30, 1867	220.57
Hood	September 30, 1867	112.50
Hopkins	September 30, 1867	645.85
Houston	September 30, 1867	1,472.26
Hunt	September 30, 1867	455.00
Jack	No returns.	

REPORT

Of License and Occupation Taxes returned for the year 1867—*Continued.*

NAME OF COUNTY.	TO WHAT TIME RETURNED.	AMOUNT.
Jackson	September 30, 1867	$200.00
Jasper	September 30, 1867	622.50
Jefferson	September 30, 1867	448.14
Johnson	September 30, 1867	198.75
Kaufman	September 30, 1867	608.33
Karnes	September 30, 1867	325.00
Kendall	September 30, 1867	566.66
Kerr	September 30, 1867	125.00
Lavaca	September 30, 1867	1,759.65
Lampasas	September 30, 1867	37.50
Lamar	September 30, 1867	990.00
Leon	September 30, 1867	1,063.96
Llano	No returns.	
Liberty	September 30, 1867	650.03
Limestone	September 30, 1867	447.50
Live Oak	September 30, 1867	305.22
Madison	September 30, 1867	390.00
Marion	September 30, 1867	1,685.83
Matagorda	September 30, 1867	567.66
Mason	September 30, 1867	325.70
McLennan	June 30, 1867	630.00
Medina	September 30, 1867	605.00
Menard	No returns.	
Milam	September 30, 1867	575.00
Montgomery	September 30, 1867	717.66
Montague	September 30, 1867	25.00
Nacogdoches	No returns.	
Navarro	September 30, 1867	581.54
Nueces	September 30, 1867	1,312.33
Newton	September 30, 1867	225.00
Orange	June 30, 1867	355.83
Palo Pinto	June 30, 1867	99.84

REPORT

Of License and Occupation Taxes returned for the year 1867—*Concluded.*

NAME OF COUNTY.	TO WHAT TIME RETURNED.	AMOUNT.
Panola	No returns.	
Parker	September 30, 1867	$646.59
Polk	September 30, 1867	816.66
Red River	September 30, 1867	1,766.87
Refugio	June 30, 1867	140.00
Robertson	September 30, 1867	550.00
Rusk	March 31, 1867	388.15
San Augustine	No returns.	
San Patricio	September 30, 1867	75.00
San Saba	September 30, 1867	155.00
Sabine	September 30, 1867	341.66
Shelby	September 30, 1867	324.50
Smith	September 30, 1867	1,390.33
Starr	September 30, 1867	237.50
Stephens		
Tarrant	June 30, 1867	155.00
Titus	September 30, 1867	1,425.17
Travis	September 30, 1867	3,486.66
Trinity	June 30, 1867	400.00
Tyler	No returns.	
Upshur	September 30, 1867	1,205.83
Uvalde	June 30, 1867	300.00
Van Zandt	September 30, 1867	200.00
Victoria	September 30, 1867	2,026.20
Walker	March 31, 1867	720.81
Washington	September 30, 1867	3,442.50
Wharton	September 30, 1867	764.62
Webb		160.27
Williamson	September 30, 1867	414.16
Wilson	September 30, 1867	350.00
Wise	September 30, 1867	75.00
Wood	September 30, 1867	950.00
Zapata	No returns.	
Total		$130,024.14

TABLE XIII.

TAXES ASSESSED FOR THE YEAR 1867.

Total value of all property assessed for 1867		$170,005,545.00
Tax on same at fifteen cents per one hundred dollars	$255,008.31	
Poll tax at one hundred dollars per capita	99,013.00	
Income tax	38,891.78	
Salary tax	1,186.58	
		$394,099.67
License and Occupation Taxes		130,024.14
		$524,123.81

Mr. Buffington, offered the following resolution:

Resolved, that a resolution passed on the — day of —, fixing the hour of the adjournment of this Convention at one o'clock of each day be, and the same is hereby repealed.

Mr. Adams offered the following declaration, and asked its reference to the committee on Political and Legislative.

Be it declared, 1st, That the Legislature shall have power to grant general charters, and shall not have power to grant any special charter for any purpose whatever; provided, the Legislature may create new counties by public or local laws.

2. The Legislature shall prohibit any corporation now in existence, which have, or may commit acts of forfeiture from continuing or carrying on business, save under a general charter.

Referred to committee on Political or Legislative.

Mr, Thomas offered the following resolution:

Whereas, the question of the division of the State has consumed much of the time of this Convention, and

Whereas, the reconstruction acts of Congress do not authorize this body to consider that question; therefore

Be it resolved, that this Convention will henceforth confine itself to the business for which it was convened, and that no question relating to a division of the State, will hereafter be entertained, unless by authority of the Congress of the United States.

Mr. Thomas moved that the rules be suspended to allow consideration of the resolution, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant, of Harris, Carter, Cole, Coleman, Constant, Curtis, Degener, Flanagan, Fleming, Foster, Gray, Grigsby, Hamilton, of Travis, Harris, Harne, Johnson, of Harrison, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Stockbridge, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright—50.

Nays—Messrs. Buffington, Burnett, Downing, Evans, of McLennan, Evans, of Titus, Fayle, W. Flanagan, Hunt, Johnson, of Calhoun, Kuechler, Lippard, Long, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Phillips, of Wharton, Ruby, Slaughter, Smith, of Galveston, Whitmore, Yarborough.—24.

So the rules were suspended.

Mr. McCormick moved a call of the House.

Call sustained.

Absentees, Bryant, of Grayson, Gaston, Glenn, Pedigo, Scott, Smith, of Marion, Sumner, Varnell.

Mr. Mullins moved a suspension of the call.

Call suspended.

Mr. McCormick moved a call of the House.

Call sustained

Mr. Sumner asked that Mr. Bryant, of Grayson, be excused on account of sickness, and also asked to be excused himself for the same cause.

Carried.

Mr. Whitmore moved the House take a recess for twenty minutes.

Carried.

Mr. Johnson, of Calhoun, moved a suspension of the call of the House, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Buffington, Burnett, Carter, Coleman, Evans of McLennan, Evans of Titus, Fayle, Flanagan, Foster, Gaston, Glenn, Harris, Hunt, Johnson of Calhoun, Jordan, Kuechler, Long, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Slaughter, Smith of Galveston, Whitmore, Williams, Wright, Yarborough—35.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Cole, Constant, Curtis, Degener, Downing, W. Flanagan, Fleming, Gray, Grigsby, Hamilton of Travis, Harne, Johnson of Harrison, Kealy, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Schuetze, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam—44.

So the call was not suspended.

Mr. Mills rose to a question of privilege.

Ruled out of order.

Mr. Pedigo moved a suspension of rules to enable Mr. Mills to state his question.

The Convention refused to suspend rules.

Mr Mills moved that the rules be suspended to take up resolution of Mr. Newcomb legitimatizing bastard children.

Ruled out of order.

Mr. Buffington moved that the Convention adjourn until to-morrow morning, at nine o'clock, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong, of Lamar, Bell, Bellinger, Buffington, Cole, Constant, Fleming, Gray, Grigsby, Hamilton, of Travis, Harn, Keigwin, Kendal, Lindsay, McCormick, Mills, Muckleroy, Mundine, Pedigo, Posey, Rogers, Stockbridge, Thomas, Vaughan, Williams, Wilson, of Brazoria—26.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Bledsoe, Board, Brown, Bryant, of Harris, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Harris, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kuechler, Leib, Lippard, Long, Mackey, McWashington, Morse, Mullins, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Phillips, of Wharton, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Talbot, Varnell, Watrous, Whitmore, Wilson, of Milam, Wright, Yarborough.—53.

So the Convention refused to adjourn.

Mr. Evans, of McLennan, moved a suspension of the call of the House, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Buffington, Burnett, Carter, Coleman, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, Glenn, Harris, Hunt, Johnson of Harrison, Kendal, Kuechler, Lindsay, Lippard, Long, McWashington. Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Schuetze, Slaughter, Whitmore, Williams, Yarborough-- 36.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Cole, Constant, Curtis, W. Flanagan, Fleming, Foster, Gaston, Gray, Grigsby, Hamilton of Travis, Harn, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Leib, Mackey, McCormick, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Ruby, Smith of Galveston, Smith, of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson, of Milam, Wright—43.

So the Convention refused to suspend the call.

Mr. Ruby moved that the Convention adjourn until to-morrow morning at 9 o'clock, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Cole, Hamilton, of Travis, Harn, Johnson, of Harrison, Kendal, Leib, Lindsay, Mackey, McWashington, Mundine, Pedigo, Posey, Stockbridge, Thomas, Varnell, Vaughan, Wright—22.

Nays—Messrs. President, Armstrong of Jasper, Board, Brown, Bryant, of Harris, Buffington, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Harris, Hunt, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kuechler, Lippard, Long, McCormick, Mills, Morse, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Talbot, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson of Milam, Yarborough—57.

So the Convention refused to adjourn.

Under the rules the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 15, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Yarborough presented a petition from citizens of Wood, Hopkins, Hunt, and Vanzandt counties, asking the formation of a new county out of portions of said counties; and asked its reference to Committee on Counties and County Boundaries.

It was so referred.

Mr. Evans, of McLennan, from Committee on Federal Relations, made the following reports:

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Federal Relations have had under consideration a declaration of Evans, of McLennan county, and instruct me to report back to this body the following substitute; and ask its passage:

A. J. EVANS,
Chairman.

A DECLARATION.

Be it declared by this Convention of the people of Texas, 1. That the Governor of the State of Texas be, and he is hereby authorized and requested to open negotiations with the Government of the United States, for cession by sale, on the part of the State of Texas to the United States, of all that part of the territory of Texas, north and west of a line from the northwest corner of Hardeman county to the mouth of the Pecos river; *provided*, that no cession or sale of said territory shall have effect until submitted to, and approved by the Legislature of Texas; and provided further, that the proceeds arising from any sale of said territory shall be applied to school purposes, and no other.

SEC. 2. That the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury of the State of Texas not otherwise appropriated, and placed subject to the warrant of the Governor, to enable him to carry out the provisions of this declaration.

SEC. 3. The Governor shall have the authority to appoint a commissioner or agent to assist him in the negotiations specified in section first of this declaration.

Mr. Evans, of McLennan, offered the following additional report from the Committee on Federal Relations, with the accompanying resolution:

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Federal Relations, to which was referred the resolution of Mr. Carter, asking the Congress of the United States to relieve persons living upon the frontiers of Texas for losses sustained by Indian depredations since the twenty-fifth of April, 1865, have had the same under consideration, and beg leave to make the following report:

The Committee consider that the persons for whom relief is asked have a double claim upon the consideration of Congress.

At the close of the war they returned to their homes upon the outside frontier, having full faith in the strength and power of the Government to protect them. They stood, in a manner, as a wall between the fierce and barbarous savage, and the inside settlers, giving protection to them at the expense of their own lives and property.

As is implied in the resolution, numbers of these families have been again broken up, in some cases with loss of life, losing their little all, turned again upon the world homeless, houseless, without even a horse left upon which to get away from their desolate homes.

Pages might be taken up in reciting the wrongs inflicted by the Indians upon these defenceelesss people, their calamities and sufferings. But we think that the knowledge that the members have of the sufferings of these unfortunate people, with the few facts stated here, will be sufficient to induce them to give a favorable consideration to their claims.

We know of no demand for relief that can equal the claims of these homeless people. We think that the encouragement given to these hardy settlers, by a favorable consideration of this resolution, would tend very much to hasten the settlement of our extensive frontier; and while it would give just relief to the distressed frontiersman, would strengthen the arms of the Government, in so much as would have the assistance of the settlers, who know the habits of the savages, in successfully protecting the inside settlers.

To entirely ignore the claims of these citizens for relief would show a degree of indifference to their sufferings, which we are unwilling to believe is felt by the members of this Convention.

Upon these considerations we return the resolution, and ask that it be adopted.

A. J. EVANS,
Chairman.

Resolved, That the Congress of the United States, if not inconsistent with the relations existing between the Federal Government and the citizens of Texas, be respectfully petitioned to appropriate a sum sufficient to remunerate, in whole or in part, the citizens of the frontier of Texas, for their losses incurred by Indian depredations since the twenty-fifth of April, 1865.

Mr. Monroe, Chairman of the Committee on Engrossed bills, reported provisions numbered respectively, 25, 26, 27, 28, 29, 30, correctly engrossed.

Report adopted.

The Sergeant-at-Arms reported to the Convention that he had arrested Mr. Scott, and held him in custody subject to the disposal of the House.

Mr. Harn offered the following declaration, and asked its reference to the Committee on General Provisions:

SECTION 1. *Be it resolved by the people of Texas in Convention assembled*, That whenever, on the trial of any cause, it shall appear that the consideration of any contract, deed or conveyance, was what was known as Confederate Treasury notes, the said contract, deed or other conveyance is hereby declared to be null and void, and the court or judge trying any such cause shall so adjudge.

SEC. 2. *Be it further ordained*, That the plaintiff or defendant, or both, may testify as a witness, on the trial of any cause contemplated in the first section of this declaration, and that this declaration be in force from and after its passage.

Referred to the Committee on General Provisions.

Mr. Hamilton, of Travis, asked leave of absence for one hour, for Mr. Posey, of Lavaca.

Leave granted.

Mr. Patten offered the following resolution:

Resolved, That a committee of three be appointed by the President, to investigate the unaccountable absence from this Convention of Mr. J. R. Scott, on yesterday.

That said committee have power to send for witnesses, and that they report by resolution or otherwise.

Mr. Patten moved a suspension of rules for the consideration of the resolution.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Board, Brown, Bryant, of Harris, Burnett, Carter, Coleman, Curtis. Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Foster, Grigsby, Harris, Hunt, Johnson, of Calhoun, Kendall, Kuechler, Leib, Lippard, McWashington, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo. Phillips, of Wharton, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Talbot, Whitmore, Williams, Wilson, of Milam, Wright, Yarborough—47.

Nays—Messrs. Armstrong, of Lamar, Bellinger, Bledsoe, Buffington, Constant, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harn, Johnson, of Harrison, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Mundine, Phillips, of San Augustine, Rogers, Stockbridge, Sumner, Thomas, Varnell, Watrous, Wilson, of Brazoria—29.

Two-thirds not voting in the affirmative the Convention refused to suspend rules.

Mr. Sumner offered the following resolution, and asked its reference to the Committee on Education:

Be it resolved, That the following shall be a section of the Constitution:

ARTICLE —.

SECTION —. All the public university lands in the State of Texas that have not heretofore been disposed of shall be and are hereby turned over to the common School Fund. And it shall be the duty of the Legislature to pass such laws as shall provide for free schools in every neighborhood, in each county of this State; provided, there shall no neighborhood be entitled to a free school with less than twenty pupils.

Referred to the Committee on Education.

Mr. Lindsay asked leave of the Convention to take up the resotion granting Dr. R. K. Smith, of Galveston, the use of the House for a lecture on Friday night next.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant, of Harris, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans, of Titus, Fayle, Foster, Grigsby, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Morse, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Stockbridge, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—53.

Nays—Messrs. Armstrong of Jasper, Bell, Buffington, Constant, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Keigwin, Long, Mills, Muckleroy, Mullins, Phillips, of San Augustine, Scott, Sumner, Varnell, Wright, Yarborough—24.

Leave granted.

Mr. Varnell asked leave for himself and Mr. Johnson to attend Federal Court on summons.

Leave granted.

Upon the question "Shall the hall be granted to Dr. Smith on next Friday night?" the resolution was agreed to.

Mr. Armstrong, of Lamar, presented a petition from citizens of Fannin and Lamar counties, asking the formation of a new county, and asked its reference to the Committee on Counties and County Boundaries.

Mr. Armstrong, of Lamar, offered the following declaration:

DECLARATION

Establishing the county of Webster.

Be it declared by the people of Texas in Convention assembled,

SECTION 1. That a new county is hereby formed and established out of the counties of Fannin and Lamar, bounded as follows, to wit:

Beginning at a point on the south boundary line of Lamar county, seven miles east of its west boundary line; thence north to Red river; thence west with the meanders of said river to the mouth of the Bois d'Arc creek, and with the meanders of said creek to a point ten miles west of the east boundary line of Fannin county; thence south to the south boundary line of Fannin county;

thence east with the south boundary lines of Fannin and Lamar counties to the place of beginning.

SEC. 2. *Be it further declared*, That it is hereby made the duty of the people of said county of Webster to proceed to organize said county, in strict conformity to an act entitled "An Act," approved March 20, 1848, "for the Organization of New Counties."

SEC. 3. *Be it further declared*, That it shall be the duty of the County Court of Fannin county, as soon as convenient after the passage of this declaration, to organize the said county of Webster, by holding elections for the purpose of electing all county officers, or recommending suitable persons to the Commander of the Fifth Military District, to fill said offices.

SEC. 4. *Be it further declared*, That it shall be the duty of the people of said county, after its organization is completed, to hold an election for the purpose of locating the county site, and a majority voting in said election shall determine the location of said county site.

SEC. 5. *And be it further declared*, That in all general elections the people shall vote with the counties from which they were taken, until said county of Webster shall be entitled to separate representation.

On motion the declaration was referred to the Committee on Counties and County Boundaries.

Mr. Munroe offered the following resolution:

Resolved, That the Secretary of the Convention be and he is hereby directed to issue a certificate to H. G. McDaniel, Postmaster to the Convention, for pay for his services, at the same per diem pay as the other officers of the Convention.

On motion the resolution was referred to the Committee on Contingent Expenses.

Mr. Armstrong, of Lamar, offered the following resolution:

Resolved, That the Convention adjourn *sine die* on Friday, the 1st day of August next.

Mr. Smith, of Galveston, offered the following resolution:

WHEREAS, Several members of this Convention were induced to travel circuitous routes, incurring unusual expense and labor in reaching this Capitol, to save themselves from threatened assassination.

Resolved, therefore, That the Committee on Contingent Expenses take the case of these members into consideration, and report what additional traveling expense, if any, shall be allowed.

Mr. Newcomb asked that the communication from Messrs. Siemering & Co., proprietors of the San Antonio Express, be read and referred to the Committee on Finance.

It was so referred.

Mr. Evans, of McLennan, asked that the communication of Governor Pease, read on yesterday, respecting the framing of the portrait of General Sam. Houston, be referred to the Committee on Finance.

It was so referred.

Mr. Evans, of McLennan, moved that communication of Major General J. J. Reynolds, read on yesterday, be referred to the Committee on Finance.

It was so referred.

Mr. W. Flanagan offered the following resolution:

Resolved, That the Constitution provide that apothecaries and druggists shall, by act of the Legislature, be required to give evidence that they are skilled and educated in the profession, before any license shall be issued for any such business.

On motion the resolution was referred to the Committee on General Provisions.

Mr. Lindsay moved that the special order of the day, at ten o'clock, be postponed, to allow Mr. Mills to speak to a question of privilege.

Agreed to.

The President decided that the reading of letters not relevant to Mr. Mill's vindication, and not personally addressed to him, cannot be read by him to the Convention.

Mr. Hamilton, of Travis, appealed from the decision of the chair, and upon the question, "Shall the decision of the chair stand as the decision of the House," the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Harris, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Leib, Lippard, Mackey, McWashington, Muckleroy, Munroe, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Thomas, Watrous, Whitmore, Williams, Wilson of Milam—51.

Nays—Messrs. Fleming, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Kealy, Keigwin, Lindsay, Long, McCormick, Mills, Morse, Mullins, Mundine, Newcomb, Pedigo, Stockbridge, Vaughan, Wilson of Brazoria, Wright—21.

So the decision of the chair was sustained.

The President announced the business in order was upon the resolution offered by Mr. Davis, of Nueces, relating to the rules of the House.

Mr. McCormick moved to lay the resolution upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Constant, Evans of Titus, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Rogers, Smith of Marion, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Wilson of Brazoria—31.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Foster, Hunt, Jordan, Kealy, Kendal, Keuchler, Leib, Lippard, McWashington, Muckleroy, Newcomb, Oaks, Patten, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith of Galveston, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—44.

So the Convention refused to lay the resolution offered by Mr. Davis on the table.

Mr. McCormick offered the following amendment:

Strike out "further," and all that follows of the resolution.

Mr. Flanagan moved to lay the amendment on the table.

The question recurring upon the motion to lay the amendment on the table, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Coleman, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, Flanagan W., Foster, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Newcomb, Oaks, Patten, Phillips of Wharton, Rogers, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—44.

Nays—Armstrong of Jasper, Carter, Constant, Evans of Titus, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Keigwin, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Stockbridge, Sumner, Thomas, Vaughan, Wilson of Brazoria, Wright—29.

So the amendment was laid upon the table.

The question recurring upon the adoption of the resolution, it was agreed to as a rule of the House.

Mr. Armstrong of Lamar, moved that Mr. Scott be relieved from the custody of the Sergeant-at-Arms by payment of fees.

Mr. Degener moved that the question be divided and the vote be first taken upon the question of Mr. Scott's discharge from the custody of the Sergeant-at-Arms.

Upon the question being put, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Harris, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans of Titus, Fayle, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Harrison, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Long, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Rogers, Schuetze, Stockbridge, Sumner, Thomas, Vaughan, Whitmore, Wilson of Brazoria, Wright, Yarborough—55.

Nays—Messrs. Board, Brown, Evans of McLennan, Flanagan, W. Flanagan, Foster, Jordan, Lippard, McWashington, Newcomb, Oaks, Patten, Phillips of Wharton, Slaughter, Smith of Galveston, Smith of Marion, Watrous, Williams, Wilson of Milam—19.

So the Convention agreed to discharge Mr. Scott.

Upon the question "Shall the member in arrest pay the cost under the rules?" it was agreed to.

Upon motion, the following resolution of Mr. Patten, respecting the appoint ment of a committee to examine into the conduct of Mr. Scott, was taken up and read:

Resolved, That a committee of three be appointed by the President to investigate the unaccountable absence from this Convention of Mr. J. R. Scott, on yesterday.

That said committee have power to send for witnesses, and that they report by resolution or otherwise.

Mr. Hamilton, of Travis, offered the following amendment:

Amended as follows, to be inserted after the words "yesterday and the conduct generally of the delegates of this Convention."

Mr. Flanagan moved to lay the amendment upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Brown, Bryant of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Grigsby, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kuechler, Leib, McWashington, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Schuetze, Scott, Smith of Galveston, Smith, of Marion, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough —51.

Nays—Messrs. Adams, Armstrong, of Lamar, Board, Constant, Fleming, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Kealy, Lindsay, Lippard, Long, Mackey, McCormick, Mills, Morse, Mundine, Phillips of San Augustine, Rogers, Stockbridge, Sumner, Thomas, Vaughan—25.

So the amendment was laid upon the table.

The question recurring upon the adoption of the resolution, it was agreed to.

The President announced the business in order was upon the resolution of Mr. Thomas, offered yesterday, and upon the motion of Mr. Flanagan to lay the resolution on the table.

Mr. McCormick moved a call of the House.

Call sustained.

Mr. Wright moved a suspension of the call of the House.

Carried.

Mr. Hamilton, of Travis, moved a call of the House.

Call sustained.

Mr. Whitmore moved the call of the House be suspended.

Carried.

Mr. Hamilton, of Travis, moved a call of the House.

Call sustained.

Bryant, of Harris, moved the call of the House be suspended, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Bledsoe, Board, Bryant of Harris, Burnett, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Harris, Hunt, Jordan, Kendal, Kuechler, Leib, Lippard, McWashington, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough.—42.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Brown, Buffington, Carter, Constant, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Phillips, of San Augustine, Posey, Rogers, Scott, Stockbridge, Sumner, Thomas, Vaughan, Wilson, of Brazoria—39.

So the call was suspended.

Mr. Hamilton, of Travis, moved a call of the House.

Call sustained.

Mr. Whitmore moved the call of the House be suspended, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Bledsoe, Board, Bryant of Harris, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Harris, Hunt, Jordan, Kendal, Kuechler, Leib, Lippard, McWashington, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Varnell, Whitmore, Wilson of Milam, Wright, Yarborough—44.

Nays—Messrs. Armstrong of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Buffington, Constant, Fleming, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Johnson, of Harrison, Johnson of Calhoun, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria.—35.

So the call was suspended.

Mr. McCormick moved a call of the House.

Call sustained.

Mr. Armstrong, of Jasper, moved that the House adjourn until to-morrow morning, at nine o'clock, upon which the yeas and nays were demanded and resulted thus:

Yeas—Armstrong of Jasper, Armstrong of Lamar, Bell, Bellenger, Board, Brown, Burnett, Carter, Curtis, Degener, Fayle, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Pedigo, Posey, Rogers, Scott, Stockbridge, Thomas, Watrous, Wilson of Brazoria—37.

Nays—Mr. President, Adams, Bledsoe, Bryant, of Harris, Buffington, Constant, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Harris, Johnson of Calhoun, Jordan, Kealy, Kendall, Keuchler, Leib, Lippard, McWashington, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Vaughan, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—43.

So the Convention refused to adjourn.

Mr. Lippard moved the call of the House be suspended, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Bledsoe, Board, Bryant of Harris, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Harris, Hunt, Kendal, Kuechler, Leib, Lippard, McWashington, Muckleroy, Mullins, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—45.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Brown, Buffington, Constant, Fleming, Gray, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, Mills, Morse, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Wilson of Brazoria—32.

So the House suspended the call.

Mr. Bellinger moved that the Convention take a recess for twenty minutes.

Mr. McCormick moved a call of the House.

Call sustained.

Mr. Carter moved that the Convention adjourn until Monday morning at nine o'clock, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Armstrong of Jasper, Bell, Bellinger, Carter, Glenn. Hamilton of Travis, Johnson of Harrison, Long, McCormick, Mills, Morse, Mullins, Stockbridge, Wilson of Brazoria—14.

Nays—Mr. President, Adams, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming. Foster, Gaston, Gray, Grigsby, Harris, Harn, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—66.

So the House refused to adjourn.

Mr. Evans, of McLennan, offered the following resolution:

Resolved, That, whereas, one Cole, a member of this body, has on this day absented himself from the Convention, and by such absence, under the rules of this Convention, stopped any progress; it is therefore

Resolved, That this Convention strike Mr. Cole's name from the list of delegates, and report the action of this body to the Commanding General of the Fifth Military District.

Mr. Hamilton, of Travis, moved that the resolution be rejected, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Brown, Burnett, Carter, Constant, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Kealy, Keigwin, Lindsay, Mackey, McCormick, Mills, Morse, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Wilson of Brazoria, Wright—41.

Nays—Mr. President, Adams, Bledsoe, Board, Bryant of Harris, Buffington, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Hunt, Johnson of Calhoun, Jordan, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Muckleroy, Newcomb, Oaks, Patten, Phillips of Wharton, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—39.

So the motion to reject prevailed.

Under the rules, the Convention adjourned until nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
July 16th, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the committee under Mr. Patten's resolution to inquire into the conduct of Mr. Scott, to be Messrs. Patten, Wilson, of Milam, and Pedigo.

Sergeant-at-Arms reported that he held in custody Mr. Cole, ordered in arrest by the Convention on yesterday.

Mr. Hamilton of Travis, moved that Mr. Cole be discharged from custody of the Sergeant-at-Arms and admitted to his seat, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Bell, Bellinger, Brown, Bryant of Grayson, Constant, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Johnson of Calhoun, Kealy, Keigwin, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Pedigo, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria—40

Nays—Messrs. President, Bledsoe, Board, Buffington, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Harris, Hunt, Jordan, Kendal, Keuchler, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Varnell, Whitmore, Wilson of Milam, Wright, Yarbrough—37.

So the Convention ordered his discharge.

The question recurring "shall Mr. Cole be discharged upon the payment of fees?"

It was so ordered.

The President announced that the business first in order, was the special order of the day at 10 o'clock, upon the report of the committee on Internal Improvements.

Mr. Patten moved that the report be recommitted to the Committee on Internal Improvements.

Carried.

The President announced that the next business in order was upon the resolution of Mr. Buffington, repealing the rules of the Convention as to adjournment.

Resolved, that a resolution passed on the —— day of ——, fixing the hour of the adjournment of this Convention at one o'clock of each day be, and the same is hereby repealed.

Mr. Burnett moved that the resolution be laid upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bell, Bryant of Grayson, Burnett, Carter, Cole, Constant, Fleming, Gaston, Glenn, Gray, Grigsby, Lindsay, McCormick, Mills, Morse, Mullins. Mundine, Pedigo, Phillips of San Augustine, Posey, Scott, Stockbridge, Sumner, Thomas, Vaughan—26.

Nays—Messrs. President, Adams, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Harris, Harn, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Leib, Lippard, Long, Mackey, McWashington, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—50.

So the Convention refused to lay the resolution upon the table.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Evans of

Titus, Flanagan, W. Flanagan, Foster, Harris, Harn, Hunt, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Leib. Lippard, Long, McWashington, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Talbot, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—49.

Nays—Messrs. Armstrong of Jasper, Bell, Bryant of Grayson, Cole, Constant, Fleming, Gaston, Glenn, Goddin, Gray, Hamilton of Travis, Keigwin, Lindsay, Mackey, McCormick, Mills, Morse, Muckleroy, Mullins, Mundine, Phillips of San Augustine, Posey, Scott, Smith of Marion, Stockbridge, Sumner, Thomas, Vaughan —29.

So the resolution was adopted.

Mr. Carter, chairman of Committee on Style, made the following report:

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Style, to which was referred passed resolutions Nos, 26, 27, 28 and 29, has examined the same and find them correct.

CARTER,
Chairman.

Report adopted.

Mr. Phillips of Wharton, offered the following declaration:

Be it declared, That the following shall be a section of the Constitution:

SECTION —. That suits may be brought against the State and it shall be the duty of the Legislature at the first session thereof, after the adoption of this Constitution, to prescribe by law, what courts and in what manner suits against the State may be brought.

On motion the declaration was referred to the Committee on General Provisions.

Mr. Adams offered the following declaration:

Be it declared by the people of Texas in Convention assembled:

That in any suit now pending, or which may hereafter be brought, to enforce the collection of debts contracted between the second day of March, 1861, and the 26th day of June, 1865, whether the contract be parol or written, it shall be competent to prove by parol or other legal testimony, the value of the property or other consideration for which such indebtedness was incurred; and the judgment rendered in such suits, shall in all cases conform to the real value of such consideration, without reference to the express terms of the contract, taking the value of property, labor, etc., in the year 1860, as the standard of valuation.

On motion the declaration was referred to the Judiciary Committee.

Mr. Webster Flanagan offered the following resolution:

Resolved by the people of Texas in Convention assembled:

That any person or persons engaging in gaming of any kind, shall first obtain a license therefor, and the Legislature is hereby authorized and required to fix by law the amount of assessment to be levied on every such person or persons so engaging.

On motion the resolution was referred to the committee on Political and Legislative.

Mr. Fayle asked leave of absence for Mr. Leib until Tuesday next.

Leave granted.

Mr. Oaks of Falls offered the following declaration:

The right of the people peaceably to assemble and petition the government for a redress of grievances, or to consider and discuss subjects of public interest and form peaceable and law abiding associations for the diffusion of knowledge, patriotism and virtue among the people, shall not be abridged, and any attempt to interrupt or defeat the exercise of such right, by any individual or class of individuals, is hereby made a felony, for which the party guilty of the same shall be liable to indictment, trial and punishment, by fine or imprisonment, at the discretion of the court, subject to such limitations as the law may prescribe; And all legislation intended to preserve order and afford security in the exercise of religious worship, shall be equally extended and made applicable to preservation of order and security in the exercise of the rights of political discussion and deliberation.

On motion the declaration was referred to the Judiciary Committee.

The President announced the next business in order was the resolution of Mr. Thomas, providing that hereafter no question relating to a division of the State shall be entertained.

Mr. McCormick moved a call of the House.

Call sustained.

Absentees—Messrs. Carter, Kealy, and Muckleroy.

The absentees answered to their names.

The question recurring, "shall the resolution be laid upon the table," the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Bledsoe, Board, Bryant, of Harris, Buffington, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Goddin, Harris, Hunt, Johnson, of Calhoun, Jordan, Kendal, Kuechler, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Slaughter, Smith, of Galveston, Smith, of Marion, Varnell, Whitmore, Yarborough—39.

Nays—Messrs. Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Bryant, of Grayson, Cole, Constant, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton, of Travis, Harn, Johnson, of Harrison, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Mills. Morse, Muckleroy, Mullins. Mundine, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright—45.

So the Convention refused to lay the resolution upon the table.

Mr. McCormick moved the previous question upon the adoption of the resolution.

Previous question seconded.

The question recurring, "shall the main question be now put?" the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Cole, Constant, Curtis, Evans, of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harn, Johnson, of Harrison, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills. Morse, Muckleroy, Mullins, Mundine, Oaks, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—63.

Nays—Messrs. President, Bledsoe, Board, Burnett, Carter, Coleman, Degener, Downing, Fayle, Hunt, Johnson, of Calhoun, Kuechler, Long, Munroe, Newcomb, Patten, Pedigo, Phillips, of Wharton, Ruby, Slaughter, Whitmore—21.

So the main question was ordered.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Brown, Bryant, of Grayson, Buffington, Cole, Constant, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harn, Johnson, of Harrison, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Phillips, of San Augustine, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright—47.

Nays—Messrs. President, Adams, Bledsoe, Board, Bryant, of Harris, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Harris, Hunt, Johnson, of Calhoun, Jordan, Kendal, Kuechler, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Slaughter, Smith, of Galveston, Smith, of Marion, Varnell, Whitmore, Yarborough—37.

So the Convention adopted the resolution.

Mr. Hamilton, of Travis, moved to reconsider the vote, and to lay the motion to reconsider upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Lamar, Armstrong, of Jasper, Bell, Bellinger, Brown, Bryant, of Grayson, Bryant, of Harris, Cole, Constant, Curtis, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton, of Travis, Harn, Kealy, Keigwin, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Phillips, of San Augustine, Posey, Rogers, Schnetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright—47.

Nays—Messrs. President, Bledsoe, Board, Burnett, Carter, Coleman, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Goddin, Harris, Hunt, Johnson, of Calhoun, Jordan, Kuechler, Lippard, Long, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips, of Wharton, Ruby, Slaughter, Smith, of Galveston, Smith, of Marion, Varnell, Whitmore—33.

So the motion prevailed.

Mr. Johnson, of Calhoun, moved that the Convention adjourn until to-morrow morning at nine o'clock.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Bell, Bellinger, Brown, Carter, Fleming, Gaston, Glenn, Gray, Grigsby, Hamilton, of Travis, Harn, Johnson, of Calhoun, Kealy, Keigwin, Lindsay, Long, Mackey, McCormick, McWashington, Mills, Mullins, Mundine, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Schuetze, Scott, Smith, of Marion, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson, of Brazoria—36.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bledsoe, Board, Bryant, of Harris, Bryant, of Grayson, Buffington, Burnett, Cole, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Foster, Goddin, Harris, Hunt, Johnson, of Harrison, Jordan, Kendal, Kuechler, Lippard, Morse, Muckleroy, Munroe, Newcomb, Oaks, Patten, Rogers, Ruby, Slaughter, Smith, of Galveston, Sumner, Thomas, Whitmore, Williams, Wilson, of Milam, Wright—44.

So the Convention refused to adjourn.

Mr. Armstrong, of Lamar, moved that the Convention adjourn until four o'clock this evening.

Lost.

Mr. Flanagan moved to adjourn until this afternoon at four o'clock.

Lost.

Mr. Hamilton, of Travis, moved that the Convention adjourn until to-morrow morning at nine o'clock.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bell, Bellinger, Brown, Carter, Cole, Fleming, Foster, Gaston, Goldin, Gray, Grigsby, Hamilton, of Travis, Harn, Hunt, Kealy, Keigwin, Kuechler, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, Mundine, Munroe, Patten, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Schuetze, Scott, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—46.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bledsoe, Board, Bryant, of Grayson, Buffington, Burnett, Coleman, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Glenn, Harris, Johnson, of Harrison, Jordan, Kendal, Lippard, Morse, Newcomb, Oaks, Ruby, Slaughter, Varnell, Whitmore—29.

So the Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 17, 1868.

Convention met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Degener asked that Mr. Newcomb be excused from attendance on Convention.

Leave granted.

Mr. Talbot, Chairman of the Committee on Education, made the following report:

COMMITTEE ROOM,
July 17th, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Your Committee on Education, to whom was referred a resolution offered by J. Schuetze, of Bastrop, bearing date July 13, 1868, and herewith transmitted, have had the same under consideration, and unanimously recommend its adoption by this Convention.

JOSEPH W. TALBOT,
Chairman.

Resolved, That a special committee be appointed and instructed to visit the Blind Asylum and Deaf and Dumb Asylum, with a view of inquiring into the propriety of admitting into either or both of these institutions such number of indigent orphans as could be received therein, for education and maintenance, on the expense of the State, until an Orphan Asylum shall be established.

Mr. Flanagan, Chairman of the Committee on Internal Improvements, made the following report:

COMMITTEE ROOM,
July 17, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: I am instructed to report to the Convention the original report as previously presented, and recommend the passage of the accompanying declaration.

Very respectfully,
J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

DECLARATION

In relation to railroads.

WHEREAS, There is pending before Congress a bill to aid in the construction of the International Pacific Railroad, from Cairo, in Illinois, to the Rio Grande river, to authorize the consolidation of certain railroad companies and to provide homesteads for laborers on said road, which bill contemplates aid by the United States, in the rapid construction of a continuous line of railroad and telegraph from Cairo, in Illinois, through the southeastern portion of Missouri and central districts of Arkansas, Texas and Mexico, to San Blas, on the Pacific Ocean, and which enterprise, in the opinion of this Convention, ought to be encouraged.

SECTION 1. *Be it therefore ordained by this Convention*, That the Brazos Branch Railroad Company, and the Henderson, Marshall and Jefferson Railroad Company are hereby consolidated into one company, to be known as a corporation with perpetual succession, to be styled the "International Pacific Railroad Company;" which shall have the powers and franchises granted by the laws creating said first named railroad companies; and also, the exclusive right to construct and operate a telegraph line along said railroad.

SEC. 2. Said "International Railroad Company" shall have the power to build, equip and maintain a railroad, with a single or double track, commencing at a point on the eastern boundary of the State of Texas, connecting with the International Railroad from Cairo; thence running a southwesterly direction across the State of Texas to a suitable point on the Rio Grande river below Eagle Pass, in the direction of San Blas, on the Pacific Ocean; and also, the exclusive right to construct and operate a telegraph line along said railroad.

SEC. 3. Said "International Pacific Railroad," shall be entitled to all the donations of land contemplated by the laws of Texas, granting lands to aid in the construction of railroads, and to all such aid as shall be granted to other great railroad enterprises in Texas; and shall be authorized to vary the gauge so as to correspond to the gauge from Cairo to the Texas line, without impairing any right under the Texas laws.

SEC. 4. And said company shall have exclusive right, for three years from the time of locating their line, to locate the lands granted by the State, and they shall hold and have the right to dispose of said lands under the laws now in force granting lands to aid in the construction of railroads.

Mr. Patten moved that the report be made the special order of the day for Friday next, the 24th inst.

Lost.

Mr. Flanagan moved that the report be made the special order for Saturday, the 18th inst., at ten o'clock.

Carried.

Mr. McWashington offered the following resolution:

Resolved, That the following shall be a section of the Constitution:

SECTION — No person shall be imprisoned for debt in this State; but this shall not prevent the General Assembly from providing for imprisonment or holding to bail persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of debt or liabilities.

On motion, the resolution was referred to the Committee on Contingent Expenses.

Mr. Jordan offered the following declaration:

Be it declared by this Convention, That the following form a part of the Bill of Rights:

SECTION —. The liberty of the press to publish truth shall forever remain inviolate.

SEC. —. All citizens may freely speak, write or print their sentiments on all subjects, being responsible for the abuse of such liberty.

SEC. —. To misrepresent or misconstrue the acts, language or opinions of any person or party, to apply false epithets, or in any way, either verbal, written or printed, attempt to injure the reputation or hinder the success of any such person or party by such misrepresentation, shall be an offence against the State.

SEC. —. In all prosecution for such offences, the accused shall be brought to trial in the county where complainant resides.

SEC. —. The guilt of such offenders being ascertained by law, the punishment shall not be less than fine and confinement and labor in the penitentiary, or elsewhere, as the law may direct.

SEC. —. Any person having been duly convicted of any of the above specified offences, shall be disfranchised, and shall never, either by himself or others, be permitted to print or publish any book, pamphlet or newspaper in this State thereafter.

SEC. —. The Governor of this State may demand of the Governor of another State the surrender of such offender, as the law may direct.

Mr. Evans, of McLennan, moved the rejection of the resolution. Lost.

Upon motion the resolution was referred to the Committee on General Provisions.

Mr. Buffington introduced the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to discharge three or more of the pages of this Convention.

Mr. Buffington introduced the following resolution:

Resolved, That the different committees, except the Committee on Lawlessness and Crime, be and are hereby requested to discharge the clerks now in their employ.

Mr. Sumner moved the rejection of the resolution.

Motion withdrawn.

Mr. Lippard offered the following resolution:

WHEREAS, *It is our duty to our constituents, in view of the* probable long session of this Convention, and the limited means to pay its expenses, to exercise all proper economy; and

Whereas, It is not the province of this Convention to disseminate party creeds, or to support newspapers as heralds of particular factions, and supporters of particular men; therefore, be it

Resolved, 1. That all newspapers taken by the Convention be and the same are hereby discontinued.

Resolved, 2. That the Committee on Printing be and they are hereby authorized to contract with the lowest Republican bidder for one thousand copies per day of the journals of this Convention, said copies to be laid on the members' desks by 9 o'clock, A. M., the following day.

Laid over one day under the rules.

Mr. Bryant, of Harris, offered the following declaration:

Be it ordained by the people of Texas in Convention assembled, That the provisions of article 3427 of Paschal's Digest, being section 10 of an act to amend the third section of an act entitled "An Act to Regulate the Descent and Distribution of Intestates' Estates," approved March 18, 1848, shall apply as well to colored people as to whites, and which is as follows:

"Where a man having by a woman a child, or children, shall afterwards intermarry with such woman, such child, or children, if recognized by him, shall thereby be legitimated, and made capable of inheriting his estate. The issue also in marriage deemed null in law shall, nevertheless, be legitimate."

SEC. 2. In case of escheated estates the widow, as well as the issue of the marriages null in law, shall be entitled to the same rights as if the same were legitimate, and especially where any such marriage shall have been interdicted by the statute law of the State on account of race or color, but where the same shall, nevertheless, have existed in fact by a species of cohabitation.

On motion the declaration was referred to the Committee on General Provisions.

Mr. Patten offered the following resolution:

Resolved, That the Committee on State Affairs be required forthwith to report back to the Convention the section of the new Constitution, introduced by the Hon. A. J. Evans, to locate the Capitol and State universities.

Mr. Harn introduced the following declaration:

Be it ordained, by the people of Texas in Convention assembled, That the following shall be a section of the Constitution.

ARTICLE —.

SECTION —. The homestead of the family, after the death of either husband or wife, shall rest absolutely in the survivor, and the children of the marriage, if there be any, and shall not be subject to administration; nor shall the said homestead, nor the rents or profits derived from the same, be subject to any debt contracted after the adoption of this Constitution, except in cases of mechanics' lien.

On motion the declaration was referred to the Committee on General Provisions.

Mr. McWashington offered the following declaration:

Resolved, That the following be a section of the Constitution:

Any person who shall, after the adoption of this Constitution, fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, either within this State or elsewhere, shall thereby be deprived of the right of holding any office of honor or profit in this State, and shall be forever disqualified from voting at any election, and shall be punished otherwise in such manner as may be prescribed by law.

On motion the declaration was referred to the Committee on Political or Legislative.

Mr. Evans, of McLennan, presented the following declaration:

WHEREAS, The time within which petitions in voluntary bankruptcy, under the Bankrupt Act of the Congress of the United States, of date March 2, 1867, has transpired; and

Whereas, There are many parties in the State of Texas who, from unavoidable circumstances, have been unable to avail themselves of its benefits, but who desire so to do,

Be it, therefore, declared by this Convention, That the Congress of the United States of America be respectfully memorialized to extend for a period of one year the time in which persons can avail themselves of the benefit of voluntary bankruptcy under said act.

Mr. Evans, of McLennan, moved the rules be suspended to allow consideration of declaration.

Rules suspended.

Mr. Evans, of McLennan, moved the memorial be read a second time and engrossed.

It was agreed to.

Mr. Evans of McLennan, moved a further suspension of rules to put memorial upon its final reading, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Board, Buffington, Burnett, Carter, Downing, Evans of McLennan, Flanagan, W. Flanagan, Fleming, Gray, Grigsby, Hunt, Jordan. Keuchler, Lippard, Long, Morse, Muckleroy, Mundine, Munroe, Patten, Pedigo, Phillips of Wharton, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Whitmore, Wilson of Brazoria, Yarborough—39.

Nays—Messrs. Armstrong of Jasper, Brown, Bryant of Grayson, Bryant of Harris, Cole, Coleman, Curtis, Foster, Gaston, Glenn, Hamilton of Travis, Harris, Harn, Kealy, Keigwin, Kendal, Lindsay, Mackey, McCormick, McWashington, Mills, Mullins, Oaks, Phillips of San Augustine, Posey, Rogers, Scott, Smith of Marion, Sumner, Thomas, Vaughan, Watrous, Williams, Wright—33.

So the Convention refused to suspend the rules.

Mr. Armstrong of Lamar, offered the following declaration, and asked its reference to the Committee on Internal Improvements.

WHEREAS, on the fourth day of February, 1856, an act entitled An Act to incorporate the Memphis, El Paso and Pacific Railroad Company was approved by the Governor; and

WHEREAS, on the 25th day of August, 1856, the 17th section of said act was amended and approved by the Governor; and

WHEREAS, by said act and amendment aforesaid, a certain quantity of land per mile was to be granted to said Memphis, El Paso and Pacific Railroad Company, upon putting in complete running order twenty miles of said road; and

WHEREAS, a large quantity of certificates have been issued to said company, and many patents have been issued thereon, contrary to the express provisions of said act; therefore,

SECTION 1. *Be it declared by the people of Texas in Convention assembled*:

That all certificates or patents issued by said Memphis, El Paso and Pacific Railroad Company are hereby declared null and void.

SECTION 2. *Be it further declared*, That all unappropriated lands lying within the Memphis, El Paso and Pacific railroad reservation, are hereby declared to be the property of the State of Texas, and that the same shall be subject alone to preemption.

SECTION 3. Any person may have surveyed not less than forty acres, nor more than one hundred acres in said reservation, and the Commissioner of the General Land Office is hereby directed to issue to said occupant, a patent for the same, upon the production of testimony which will satisfy said Commissioner that said occupant has had said land surveyed and has occupied the same continuously for three years, and has paid taxes upon the same, and said occupant shall pay for the surveying and patenting the said land.

It was so referred.

Mr. Evans of McLennan, offered the following resolution:

Resolved, That the Constitutional Convention of the State of Texas, the Commanding General of the Fifth Military District assenting thereto, do stand adjourned from Saturday, July 18th, 1868, until the first Monday in December, 1868.

Laid over under rules one day.

The President announced the business in order was upon the resolution of Mr. Smith of Galveston, instructing the Committee on Contingent Expenses to inquire into the propriety of granting extra mileage to members who had to travel circuitous routes to reach Austin.

Referred to Committee on Contingent Expenses.

Mr. Harris moved that Mr. Mundine be added to the Committee on State affairs.

Carried.

Mr. Varnell moved that Mr. Degener be added to the Committee on Apportionment.

Carried.

The President annouced the next business in order was the report of the Committee on Finance, respecting the official reporter of the Convention.

Mr. McCormick moved the report and accompanying resolution of the Committee on Contingent Expenses be substituted for the report of the Committee on Finance.

Mr. Flanagan moved to lay the whole matter upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Board, Buffington, Burnett, Carter, Coleman, Constant, Evans of Titus, Flanagan, Fleming, Gaston, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Lindsay, Mackey, Mills, Munroe, Pedigo, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Wright—35.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Grayson, Bryant of Harris, Cole, Curtis, Degener, Downing, Evans of McLennan, Fayle, W. Flanagan, Foster, Glenn, Goddin, Grigsby, Hunt, Kealy, Kendal, Keuchler, Lippard, Long, McCormick, McWashington, Morse, Muckleroy, Mundine, Oaks, Patten, Phillips of San Augustine, Schuetze, Smith of Galveston, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—41.

So the Convention refused to lay the subject upon the table.

The question recurring "shall the report and resolution of the Committee on Contingent Expenses be adopted as a substitute to the report of the Committee on Finance."

It was adopted.

Mr. Munroe offered the following resolution:

Resolved, That the reporter be retained on condition that he writes out the debates ready for publication, for which he shall receive the same per diem pay as he now receives; provided, he shall perform such additional labor within ninety days after the adjournment of the Convention.

Mr. Whitmore moved to lay the resolution on the table.

Carried.

Mr. Ruby offered the following amendment:

That said official reporter shall be allowed an assistant, who shall transcribe the short hand by dictation of reporter for daily publication in the official journals of the Convention, at a per diem of — dollars.

Mr. Munroe moved the adoption of the amendment.

Lost.

The question recurring upon the second reading of the substitute,

It was read second time and agreed to.

Mr. McCormick moved a suspension of rules, to put the substitute upon its final passage, upon which the yeas and nays were demanded.

Mr. McCormick asked leave to withdraw the motion. Leave granted.

The President announced the business next in order was upon Mr. Ruby's resolution, instructing the Sergeant-at-Arms to keep the various committee rooms in a fit condition for occupation.

Resolution adopted.

The President announced the business next in order was Mr. Slaughter's resolution, providing for the printing of the names of persons recommended for relief by Committee on Political Disabilities.

Resolution adopted.

The President announced that the next business in order was the substitute of Mr. Lindsay, offered to the report of the Committee on Internal Improvements respecting the "International Pacific Railroad Company."

Mr. Bledsoe moved to lay the substitute on the table.

Carried.

The question recurring upon the original report of the Committee on Internal Improvements respecting the "International Pacific Railroad Company,"

Mr. Degener moved to lay the report upon the table, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Burnett, Curtis, Degener, Downing, Fayle, Glenn, Grigsby, Hunt, Johnson of Harrison, Johnson of

Calhoun, Kendal, Keuchler, Lippard, Mullins, Munroe, Oaks, Patten, Smith of Galveston, Smith of Marion, Thomas, Varnell, Whitmore—28.

Nays—Messrs. President, Adams, Armstrong of Lamar, Bell, Bryant of Grayson, Buffington, Carter, Cole, Coleman, Constant, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Jordan, Kealy, Keigwin, Kirk, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Stockbridge, Sumner, Talbot, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—49.

So the Convention refused to lay the report upon the table.

Mr. Degener moved to recommit the subject to the Committee on Internal Improvements.

Motion withdrawn.

[Mr. Evans of McLennan in the chair.]

Mr. Davis, of Nueces, offered the following substitute, and asked that the whole matter be referred to the Committee on Internal Improvements.

SEC. 1. *Be it therefore resolved by this Convention*, That the Congress of the United States be requested to pass a bill incorporating a company or companies for the construction of the railroad above mentioned; and granting such company or companies the aid in money, which is proposed in said bill.

SEC. 2. That each company or companies, if incorporated by Congress, as hereinbefore requested, shall have the right to construct a telegraph along said railroad; and shall have, and be entitled to right of way and all privileges, immunities and franchises, and grants of land within this State, as are now or may hereafter be conceded to railroads under any general law of this State.

Mr. Flanagan moved the previous question upon the passage of the report.

Previous question seconded.

The question recurring, "shall the main question be now put?"

Main question lost.

Mr. Patten moved to adjourn until 9 o'clock to-morrow morning.

Motion withdrawn.

Mr. Hamilton, of Travis, asked leave to introduce the following declaration and memorial from citizens of Fayette, Bastrop, Caldwell, Gonzales and Lavaca counties, asking the foundation of a new county out of the territory of said counties, and asked its reference to the Committee on State Affairs.

DECLARATION

Creating the County of Oakland.

Sec. 1. That all the territory, comprised within the following lines, shall be a new county, to be called the County of Oakland, viz: Beginning at the point where Denton Creek unites with Peach Creek, in Gonzales county; thence north forty-one degrees, west twenty-four miles; thence north thirty-seven degrees, east sixteen and three-fourth miles; thence south seventy-five and a half degrees, east fourteen and three-fourth miles; thence south thirty-three degrees, east seventeen and three-fourth miles; thence in a direct line to the place of beginning.

Sec. 2. That the town of Hopkinsville, in the present county of Gonzales, shall be the county seat of said county of Oakland.

Sec. 3. That at the first general election, hereafter held for county officers, the said county of Oakland shall be organized by the election of such officers as other counties have, under the laws of this State; and that William J. Stenberry, N. F. Miller, and K. L. Fry, be, and they are hereby appointed, commissioners with full power and authority to superintend and conduct said election, and give certificates to the persons elected.

It was so referred.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
July 18th, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. McCormick, from the Committee on Contingent Expenses, made the following reports:

Committee Room,
July 18th, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Sir: The Committee on Contingent Expenses, who were instructed to consider the claims of members who were induced to travel circuitous routes, etc., in coming to the Convention, and to report what additional expenses, if any, shall be allowed, have been presented the claim of A. Grigsby, one of the delegates from Bowie, Davis and Marion.

Mr. Grigsby says, that he was reliably informed and assured that a conspiracy was formed in this district he represents to assassinate him on his way to the Convention, if he traveled any of the usually travelled routes, and that it thus became necessary for him, in order to reach this Capitol alive, to travel by way of New Orleans, thereby incurring about eighty dollars additional expenses and——— days' additional time in coming to the Convention, to what would have been required could he have travelled the ordinary route. Mr. Grigsby says, he was thus forced to travel eight hundred and fifty miles in addition to the distance by the nearest route, and he claims that one half of that amount, that is, four hundred and twenty-five miles, should be allowed him in addition to the mileage computed by the usually travelled route: this, Mr. Grigsby says, is four hundred, and added to the extra mileage, makes eight hundred and twenty-five miles in coming to the Convention. In the very nature of the case the committee rest their judgment almost entirely upon the statements of the claimant, and the committee are of opinion, that it is due to the constituents represented by the member, to pay his claim for mileage as presented, and let him answer it to his constituents if the claim is improperly made.

It is, however, due to truth, to state in this connection, that other delegates from the eastern part of the State corroborate the statements made by the claimant so far as the existence of a prevailing apprehension among Republicans, that the members from Bowie, Davis and Marion, would be assassinated on their way to the Convention. The committee have, therefore, instructed me to report the accompanying resolution and recommend its passage.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary of this Convention be, and he is hereby instructed to admit the claim of A. Grigsby, to mileage for eight hundred and twenty-five miles in coming to the Convention, and to issue his certificate to said A. Grigsby for said mileage as claimed.

Mr. Pedigo from committee on counties and county boundaries made the following reports:

COMMITTEE ROOM,
Austin, Texas, July 19, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Your committee on counties and county boundaries, to whom was referred a declaration introduced by Hon. M. Gray, of Red River, to create the county of Paschal, have had the same under consideration and a majority of the committee have instructed me to report it back to the Convention and to recommend that it be adopted.

Respectfully submitted,
H. G. PEDIGO,
Chairman.

A DECLARATION

SECTION 1. *Be it ordained by the people of Texas in Convention assembled;* That a new county be created, and to include the territory within the following boundaries, to-wit:

Beginning at a point at the junction of Hart's creek with Cypress Bayou in Titus county, thence with the meanderings of said creek to the Hart's creek bridge and turnpike, thence due north to the Sulphur Fork of Red River, thence with the meanderings of said stream to a point five miles east of the north west corner of Davis county, thence due south to the line of Marion county, thence along the line of what is now Marion and Davis counties to Cypress Bayou and thence with the meanderings of said Bayou to the place of beginning.

SEC. 2. *Be it further ordained*, that said new county shall be named "Paschal" and the county seat shall be at the town of Dangerfield.

SEC. 3. *Be it further ordained*, that the county of Paschal shall constitute a part of the counties from which it is taken, for all purposes, until a general election or appointment of county officers: and shall, for all judicial purposes, remain a part of the counties of Titus and Davis, until the Legislature shall provide for holding courts in said county of Paschal.

SEC. 4. As soon as the officers of said county of "Paschal" are elected or appointed, it shall be the duty of the officers of said county, exercising the powers of a police or county court, to provide public buildings and records, and for this purpose the said court is authorized to levy a special tax of not more than one-fourth of one per cent. upon all property taxable in the county. The said court may also issue its bonds for that purpose, in the sum of six thousand dollars, with interest, not to exceed twelve per cent.

payable semi-annually; provided, the principal of said bonds shall be paid within five years from the date of issuance.

COMMITTEE ROOM,
Austin, Texas, July 18, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your committee on county and county boundaries, to whom was referred a resolution introduced by the Hon. Mr. Burnett, proposing two sections, to be inserted in the Constitution of the State, respecting the names of county sites, have had the same under consideration, and a majority of the committee, believing that the evil sought to be remedied, is within the reach of ordinary legislative action, without any special constitutional provision upon the subject, have instructed me to report back to the Convention the resolution, and to ask to be relieved from any further consideration of the subject.

H. C. PEDIGO,
Chairman.

COMMITTEE ROOM,
Austin, Texas, July 18, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your committee on counties and county boundaries, to whom was referred a declaration introduced by the Hon. Mr. Armstrong of Lamar, to establish the new county of Webster, have had the same under consideration, and a majority of the committee have instructed me to report it back to the Convention and to recommend that it be adopted.

All of which is respectfully submitted,

H. C. PEDIGO,
Chairman.

Mr. Lindsay offered the following declaration and asked its reference to the committee on General Provisions:

Be it declared by the people of Texas in Convention assembled, that there be inserted in the Constitution a provision to the following effect:

SECTION—. Each county in the State shall provide in such manner as may be prescribed by law, a "Manual Labor Poor House," for taking care of, managing, employing and supplying the wants of its own indigent and poor inhabitants; and under such regulations as the Legislature may direct, all persons committing petty offences in the county, may be committed to such "Manual Labor Poor House" for correction and employment.

It was so referred.

Mr. Williams offered the following declaration, and asked its reference to the Committee on General Provisions:

Be it declared by the delegates of the people of Texas, in Convention assembled, That all persons shall enjoy equal rights and privileges upon any conveyance of a public character, and all places of business or of public resort, or for which a license is required by either State, county or municipal authority, shall be deemed places of a public character, and shall be opened to the accommodation and patronage of all persons, without distinction or discrimination, on account of race or color.

It was so referred.

Mr. Foster offered the following resolution, and asked its reference to the Committee on Judiciary:

Resolved, That the following shall be a section of the Constitution:

SECTION —. Mechanics shall have a lien upon all articles of manufacture, of every description, made or repaired by them, for or on account of any other person, for the reasonable and proper charges which may be due thereon for said working or repairing, and for materials furnished; and in addition to the right to retain possession of said articles until charges due thereon are paid, shall have power and authority to sell any such articles at public auction, and appropriate the proceeds of said sale to the payment of said charges, in all cases where said articles are supposed to remain with said mechanic for more than twenty days after said mechanic has given notice to the owner or person for or on account of whom said article was made or repaired, of the fact that said article is ready to be delivered upon the payment of charges; and the Legislature, at its first session, shall pass such law or laws as may be necessary to carry out the provisions of this section.

It was so referred.

Mr. Johnson, of Calhoun, asked that Mr. Bellinger be excused till next Wednesday.

Excused.

Mr. Ruby asked that Mr. Williams be placed on Committee on General Provisions.

It was so ordered.

Mr. Flanagan asked to place Messrs. Fayle and Evans, of Titus, on Committee on Internal Improvements.

It was so ordered.

The President announced the next business in order was upon the following resolution, offered by Mr. Coleman, respecting the employes in the government offices of the State:

WHEREAS, Rumors and reports are in circulation to the effect that the various departments of the State government in Austin are filled with employes who were enemies of the United States, and in some instances are still hostile to the government thereof and to the reconstruction of the State under the laws of Congress; therefore, in order that such "rumors and reports" may not circulate to the detriment of the heads of the various departments and that misrepresentation and injustice may not prevail, be it

Resolved by the people of the State of Texas in Convention assembled, That his Excellency, E. M. Pease, Governor of Texas, be, and he is hereby respectfully requested to inform this Convention of the number of clerks and other employes in the General Land Office, Comptroller's and Treasurer's office; how many of them have taken the oath of July 2, 1862; how many of them served in the armies or departments of the so-called Confederacy; how many of them are honorably discharged soldiers or sailors of the United States; and how many of them are in political unison with the government that pays them.

Resolved, further, It is the opinion of the Convention that the resolution of Congress and the executive order of the President declaring "it is eminently right and proper that honorably discharged soldiers and sailors in the war for the suppression of the rebellion shall have preference in employment in the various departments of the government," is just and proper, and that preference in employment in the departments of the government of Texas should be first given to the nation's defenders; and second, to those who remained loyal during four years of Confederate barbarity and rebel persecution; and the Convention is further of the opinion that the constantly loyal should be given preference for all places of "trust and profit" over those who sought in any manner to dismember the Union, or persecuted and ill treated the friends thereof.

Upon motion, the resolutions were adopted.

Mr. Burnett moved that the rules be suspended to take up the following report of Committee on Contingent Expenses, in reference to pay of postmaster:

COMMITTEE ROOM,
July 18, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Contingent Expenses, to whom was referred the resolution introduced by Mr. Munroe, of Houston county, in reference to the pay of the postmaster to the Convention, instruct me to report said resolution back with the recommendation that it be passed.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary of the Convention be, and he is hereby directed to issue a certificate to H. G. McDaniel, postmaster to the Convention, for pay for his services at the same per diem pay as the other officers of the Convention.

Rules suspended and report adopted.

Mr. Evans, of McLennan, moved that the rules be suspended to take up resolution providing for the adjournment of the Convention until the first day of December next, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Degener, Downing, Evans of Titus, Fayle, Gaston, Glenn, Gray, Harn, Kuechler, Lippard, Mullins, Oaks, Patten, Ruby, Smith of Galveston—19.

Nays—Messrs. President, Adams, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Evans of McLennan, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Lindsay, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—59.

So the Convention refused to suspend rules.

The President announced the hour had arrived for the consideration of the report of Committee on Internal Improvements. respecting the sale of the Buffalo Bayou, Brazos and Colorado Railroad, the Texas and New Orleans Railroad, and the Southern Pacific Railroad.

Mr. Fayle offered the following amendment:

Amend by striking out section 1, line four, as follows:

"The Buffalo Bayou, Brazos and Colorado Railroad." Also section 3, lines one, two and three, as follows:

"That the Buffalo Bayou, Brazos and Colorado Railroad Company was indebted to the special school fund of the State, on the first day of March, A. D. 1868, in the sum of $499,800, principal and interest," and refer to the Committee on Internal Improvements for special report.

Mr. Burnett offered the following substitute:

Resolved, That the following shall be an article in the Constitution of the State of Texas, and inserted among the provisions under the head of "Internal Improvements," to wit:

ARTICLE —. The Legislature, at its first session after the adoption of this Constitution, shall cause all the railroads in this State, whose companies are indebted to the special school fund of the State, to be sold, under such regulations and conditions, and with such exceptions as the Legislature may direct, unless said railroad companies respectively shall have paid their said indebtedness at the meeting of the Legislature. The Legislature may, if it be deemed to the interests of the State, authorize and direct the Governor to purchase said railroads, or any of them, for the State, in case of sale and on any contingency that may be prescribed by law.

Mr. Evans, of McLennan, moved to lay the substitute upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong, of Lamar, Bell, Brown, Buffington, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans, of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Gray, Harris, Hunt, Johnson, of Harrison, Jordan, Keigwin, Kendal, Kuechler, Lippard, Long, McCormick, McWashington, Mundine, Newcomb, Oaks, Patten, Pedigo, Phillips of Wharton, Ruby, Schuetze, Scott. Slaughter, Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson of Milam, Wright—49.

Nays—Messrs. Adams, Armstrong, of Jasper, Bellinger, Board, Bryant, of Grayson, Bryant, of Harris, Burnett, Fayle, Grigsby, Johnson, of Calhoun, Lindsay, Mackey, Mills, Morse, Munroe, Posey, Rogers, Smith, of Marion, Stockbridge, Sumner, Thomas, Yarborough—22.

So the substitute was laid on the table.

The question recurred upon the adoption of the amendment offered by Mr. Fayle.

On motion the whole subject was recommitted to the Committee on Internal Improvements.

The President announced the next business in order was upon the report of the Committee on Internal Improvements, to incorporate the International Pacific Railroad Company, with substitute offered by Mr. Davis, of Nueces.

By consent of the Convention the substitute offered by Mr. Davis, of Nueces, was withdrawn.

Mr. Flanagan offered the following substitute:

SECTION 1. *Be it therefore resolved by this Convention*, That the Congress of the United States be requested to pass the bill incorporating the said companies into the International Pacific Railroad, and granting said companies aid in bonds for the construction of the railroad above mentioned, as proposed in said bill.

SEC. 2. That said company, when incorporated by Congress, as hereinbefore requested, shall have the right to vary the gauge so as to correspond to the gauge from Cairo to the Texas line; also, the right to build and operate a telegraph line along said road.

SEC. 3. That the said companies shall have the right of way through the State of Texas, and all the privileges, immunities and franchises within this State, as are now or may hereafter be conceded to railroads under any general law of this State.

Mr. Degener moved that the whole subject be referred to the Committee on Internal Improvements.

Mr. Bryant, of Harris, moved to lay the substitute upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bledsoe, Bryant, of Harris, Burnett, Degener, Downing, Grigsby, Johnson, of Calhoun, Kuechler, Lindsay, Lippard, Mills, Munroe, Newcomb, Oaks, Patten, Pedigo, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Thomas, Vaughan, Williams—26.

Nays—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Brown, Bryant, of Grayson, Buffington, Carter, Cole, Coleman, Constant, Curtis, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Hunt, Johnson, of Harrison, Kealy, Keigwin, Kendal, Long, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Phillips, of San Augustine, Phillips of Wharton, Rogers, Stockbridge, Sumner, Talbot, Varnell, Watrous, Whitmore, Wilson, of Brazoria, Wilson, of Milam, Wright—50.

So the Convention refused to lay the substitute upon the table.

The question recurred upon the motion to re-commit the subject to the Committee on Internal Improvements.

[Mr. Evans, of McLennan, in the chair.]

Mr. Degener moved a call of the House.

Call not sustained.

Mr. McWashington moved that the Convention adjourn till Monday morning, at nine o'clock, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bledsoe, Degener, Grigsby, Kuechler, Lippard, McWashington, Mills, Oaks, Patten, Vaughan—10.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bell, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Harris, Harn, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Lindsay, Long, Mackey, McCormick, Morse, Muckleroy, Mundine, Munroe, Newcomb, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—67.

So the Convention refused to adjourn.

The question being: "Shall the report be re-committed to the Committee on Internal Improvements?"

The Convention refused to re-commit.

Mr. Patten moved to adjourn till Monday morning at nine o'clock. Lost.

Mr. Patten moved a call of the House.

Call sustained.

Absentee—Mr. Armstrong, of Jasper.

Mr. Wright moved a suspension of the call of the House.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Bell, Board, Bryant, of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Constant, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton, of Travis, Harris, Harn, Johnson of Harrison, Jordan, Kealy, Keigwin, Mackey, McWashington, Mills, Muckleroy, Mullins, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough—53.

Nays—Messrs. Armstrong of Lamar, Bledsoe, Brown, Butler, Burnett, Curtis, Degener, Downing, Hunt, Johnson, of Calhoun, Kendal, Kuechler, Lindsay, Lippard, Long, McCormick, Morse, Mundine, Munroe, Newcomb, Oaks, Patten, Slaughter, Smith of Galveston, Smith, of Marion, Vaughan—26.

So the Convention suspended the call.

The question recurring upon the adoption of the amendment as offered by Mr. Flanagan, of Rusk, Mr. Patten moved the Convention adjourn until Monday morning at nine o'clock.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bledsoe, Butler, Burnett, Degener, Downing, Glenn, Grigsby, Hunt, Kuechler, Lindsay, Lippard, Long, Mills, Morse, Mullins, Newcomb, Oaks, Patten, Pedigo, Rogers, Schuetze, Slaughter, Smith, of Marion, Thomas, Watrous—25.

Nays—Messrs. President, Adams, Armstrong, of Lamar, Bell, Board, Brown, Bryant of Grayson, Bryant, of Harris, Buffington, Carter, Cole, Coleman, Constant, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton, of Travis, Harris, Harn, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Mackey, McCormick, McWashington, Muckleroy, Mundine, Munroe, Phillips, of San Augustine, Phillips, of Wharton, Scott, Smith, of Galveston, Stockbridge, Sumner, Talbot, Varnell, Whitmore, Williams, Wilson, of Brazoria, Wilson of Milam, Wright, Yarborough—50.

So the Convention refused to adjourn.

Mr. Degener moved a call of the House.

Call sustained.

Absentees—Messrs, Bryant, of Harris, Posey, Goddin, Vaughan.

Mr Degener moved a suspension of the call.

Lost.

Mr. Armstrong, of Lamar, moved that the Convention adjourn until three o'clock this afternoon.

Lost.

Mr. Patten moved that the Convention adjourn until Monday morning at nine o'clock.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Armstrong, of Lamar, Bledsoe, Carter, Degener, Downing. Evans of McLennan, Glenn, Grigsby, Harn, Hunt, Keigwin, Kuechler, Lindsay, Lippard, Long, Mills, Morse, Muckleroy. Mullins, Newcomb, Oaks, Patten, Pedigo, Posey, Rogers, Schuetze, Slaughter, Smith, of Marion, Talbot, Thomas, Watrous, Williams—33.

Nays—Messrs. Adams, Bell, Board, Brown, Bryant, of Grayson, Buffington, Butler, Burnett, Cole, Coleman, Constant, Curtis, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton, of Travis, Harris, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Mackey, McCormick, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips, of Wharton, Ruby, Scott, Smith, of Galveston, Stockbridge, Sumner, Varnell, Whitmore, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough.—46.

So the Convention refused to adjourn.

Absentees answered their names.

The question recurred, "shall the substitute offered by Mr. Flanagan be adopted?"

It was adopted.

Mr. Davis, of Nueces, offered the following amendment:

Provided, That this declaration shall not be considered as conferring any grant of lands to the companies incorporated; except such lands as may have already, under some general laws of the State, rightfully accrued to the Brazos Branch Railroad Company, or the Henderson, Marshall and Jefferson Railroad Company.

Mr. Buffington moved the adoption of the amendment.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter. Cole, Coleman, Constant, Curtis, Degener, Downing, Evans, of McLennan, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Hunt, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith, of Galveston. Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough.—80.

Nays—Messrs. Bledsoe, Morse—2.

So the amendment was adopted.

Mr. Patten moved that the Convention adjourn until Monday morning at nine o'clock.

Lost.

Mr. Flanagan moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Mr. Patten moved a call of the House.

Convention refused to sustain the call.

The yeas and nays were demanded upon the main question, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Buffington, Butler, Carter, Cole, Coleman, Constant, Curtis, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Long, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Scott, Stockbridge, Sumner, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—58.

Nays—Armstrong of Jasper, Bledsoe, Bryant, of Harris, Burnett, Degener, Downing, Glenn, Grigsby, Hunt, Keuchler, Lindsay, Lippard, Morse, Munroe, Newcomb, Oaks, Patten, Posey, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Thomas, Vaughan —24.

So the main question was ordered.

The question recurring upon the engrossment of the substitute as amended, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Constant, Curtis, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Long, Mackey, McCormick, McWashington, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Scott, Stockbridge, Sumner, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—56.

Nays—Messrs. Armstrong of Jasper, Bledsoe, Burnett, Carter, Cole, Coleman, Degener, Glenn, Grigsby, Keuchler, Lindsay, Lippard, Mills, Morse, Mullins, Munroe, Newcomb, Oaks, Patten, Posey, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Thomas, Vaughan—26.

So the substitute as amended was read second time, and engrossed.

Mr. Hamilton, of Travis, moved a suspension of rules, to put substitute upon its third reading.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Carter, Cole, Coleman, Constant, Curtis, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Long, Mackey, McCormick, McWashington, Muckleroy, Mullins, Mundine, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Ruby, Scott, Stockbridge, Sumner, Talbot, Varnell, Watrous, Williams, Wilson, of Brazoria, Wilson of Milam, Wright, Yarborough.—57.

Nays—Messrs. Armstrong of Jasper, Bledsoe, Burnett, Degener, Evans of McLennan, Hunt, Kuechler, Lindsay, Lippard, Morse, Munroe, Newcomb, Oaks, Patten, Posey, Schuetze, Slaughter, Smith, of Galveston, Smith, of Marion, Thomas, Vaughan, Whitmore—22.

The Convention refused to suspend the rules, four-fifths not voting in the affirmative.

On motion the Convention adjourned until Monday morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
July 20, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Smith, of Galveston, rose to a privileged question, respecting two articles published in the Daily Telegraph, at Houston, edited by one C. C. Gillespie, wherein he was vilely libelled, and the assassination of Messrs. M. C. Hamilton and Caldwell publicly advised, and introduced the following resolution:

Resolved, That Brevet Major General Reynolds be respectfully requested to arrest one C. C. Gillespie, the editor of a paper purporting to be the Daily Telegraph, of Houston, and have him arraigned before a military commission to answer for gross libellous attacks upon members of this Convention, and for counselling and advising their assassination; and that he be further requested to suppress that paper.

Mr. Smith, of Galveston moved that the rules be suspended to consider the resolution.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong, of Lamar, Bell, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans, of Titus, Fayle, Fleming, Foster, Goddin, Gray, Grigsby, Hamilton of Travis. Harn, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Morse, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith, of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—69.

Nays—Messrs. Armstrong of Jasper, Boyd, Cole, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Keigwin, Kirk, Muckleroy, Mullins, Varnell—13.

So the rules were suspended.

The question recurred upon the adoption of the resolution.

Mr. Armstrong, of Lamar, moved to refer the resolution to the Committee on State Affairs.

Mr. Sumner moved the previous question, upon the passage of the resolution.

Previous question seconded.

The question recurred: "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Fayle, Fleming, Foster, Goddin, Grisby, Hamilton of Travis, Harn, Hunt, Johnson, of Harrison, Johnson of Calhoun, Jordan, Kendal, Keuchler, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Munroe, Newcomb, Oaks, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—59.

Nays—Messrs. Adams, Armstrong of Jasper, Boyd, Cole, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Gray, Harris, Kealy, Keigwin, Kirk, McCormick, Mills, Muckleroy, Morse, Mullins, Pedigo, Posey, Varnell, Wilson of Brazoria—23.

So the main question was ordered.

The question recurring upon the engrossment of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Fayle, Fleming, Foster, Goddin, Gray, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McWashington, Mills, Mundine, Munroe, Newcomb, Oaks, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—60.

Nays—Messrs. Adams, Armstrong of Jasper, Boyd, Cole, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Kealy, Keigwin, Kirk, McCormick, Morse, Muckleroy, Mullins, Pedigo, Varnell, Wilson of Brazoria—20.

So the resolution was ordered to be engrossed.

Mr. Degener moved a further suspension of the rules to put resolution upon its final passage.

Rules suspended.

Mr. Newcomb offered the following amendment:

"Strike out all except that portion of the resolution which alludes to the assassination of Messrs. Hamilton and Caldwell."

Mr. Munroe moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yea—Mr. J. W. Flanagan—1.

Nays—Messrs. President, Adams, Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Butler, Burnett, Carter, Cole, Coleman, Constant, Curtis, Degener, Downing, Evans of Titus, Fayle, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Kirk, Lindsay, Lippard, Long, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins. Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—76.

So the Convention refused to lay the amendment upon the table.

The question recurring upon the adoption of the amendment, it was adopted.

The question recurring upon the adoption of the resolution as amended, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Carter, Coleman, Constant, Curtis, Degener, Downing, Fayle, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lippard, Long, McWashington, Mills, Mundine, Munroe, Newcomb, Oaks, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—56.

Nays—Messrs. Adams, Armstrong of Jasper, Boyd, Cole, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Gray, Harris, Harn, Keigwin, Kirk, McCormick, Morse, Muckleroy, Mullins, Pedigo, Varnell, Wilson of Brazoria—21.

So the Convention adopted the resolution as amended.

Mr. Lippard asked leave of absence for Messrs. Patten and Evans, of McLennan.

Leave granted.

Mr. Adams asked leave of absence for Mr. Kirk for twenty-one days.

Leave granted.

On motion the Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 21, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Lippard presented a petition from the citizens of Hill, Navarro and Limestone counties, asking the formation of a new county, to be called Maury county.

Referred to the Committee on Counties and County Boundaries.

Mr. Fayle presented a petition for the organization of the Hebrew Benevolent Society of Houston, with accompanying declaration and asked its reference to the Committee on General Provisions.

ACT OF INCORPORATION

Of the Hebrew Benevolent Society of Houston.

SECTION 1. *Be it known*, That Isaac Coleman, Henry S. Fox, G. Gerson, S. Mayer, Adolph Cramer, M. Jacobs, L. M. Rich, Louis Cohr, Felix Wolf, E. Hyams, J. M. Kaufmheimer, Sam

Stern and B. Morris, and their successors in office forever, are hereby constituted a body corporate in fact and law, under the name and style of the "Hebrew Charitable Society of the city of Houston," and by that name and style shall have succession, and be capable in law of suing and being sued, of defending and being defender, of pleading and being impleaded, of having a common seal, and to acquire, have and hold estate, real, personal and mixed, and the same to buy, exchange, sell, mortgage or transfer, pledge or otherwise encumber or alienate, as said association may deem expedient, and be capable of receiving by donation, bequest, demise, or in any manner or form, from any person or persons, or body corporate, in or out of this State.

2. That said Association shall have power to make a Constitution and such by-laws as may be necessary for its own government.

Referred to the Committee on General Provisions.

Mr. Flanagan from the Committee on Internal Improvements made the following report:

COMMITTEE ROOM,
Austin, Texas, July 21, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee have again, by order of the Convention, had under consideration the declarations concerning the Buffalo, Brazos and Colorado Railroad, the Texas and New Orleans Railroad and the Southern Pacific Railroad, likewise the Houston Tap and Brazoria Railroad, and after mature deliberation, they come to the conclusion that it is the immediate and best interest of the State, for the security of the special School Fund, to adhere strictly to their previous reports, allowing the payments that have been made in State warrants and bonds. Your committee are of opinion that they have no power to declare void said payments, and any litigation would only tend to postpone and perhaps jeopardize the whole debt to a great extent.

The premises considered, your committee instruct me to recommend the adoption of the accompanying declarations, which are

Respectfully submitted,
J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

A DECLARATION.

It is hereby declared by the Delegates of the people of Texas in Convention assembled:

That it shall be and is hereby made the duty of the present

Provisional Governor of this State to cause the following named railroads to be sold, for the payment of the indebtedness of the companies owning them, respectively, to the special School Fund of the State, to-wit: The Buffalo Bayou, Brazos and Colorado Railroad; the Texas and New Orleans Railroad, and the Southern Pacific Railroad.

2. It shall be the duty of the Governor, as soon after the passage of this act as may be consistent with his other official duties, cause said railroads to be advertised for sale, for sixty days, in the following named newspapers, to-wit: The San Antonio Express, the Austin Republican, Flake's Galveston Bulletin, the Galveston News, the National Index, at Tyler, Smith county; some newspaper in the city of Marshall, Harrison county, and one leading paper in the city of New York. The sale shall take place on the steps of the capitol, in the city of Austin, between the hours of ten o'clock, A, M., and two o'clock P. M., under the direction of the Governor. The said roads shall be sold separately. The sale shall transfer to the purchaser all the property in the road and of the company to which the road belongs, upon which the bonds executed for the loan of the special School Fund are a lien, as set forth in the third section of act of the 13th of August, A. D., 1856, concerning the loan of the School Fund.

3. For the purpose of the sale herein contemplated, it is hereby declared that the Buffalo Bayou, Brazos and Colorado Railroad Company was indebted to the special School Fund of the State on the 1st day of March, A. D., 1868, in the sum of $499,800, principal and interest; that the Texas and New Orleans Railway Company was indebted to the special School Fund, on the same day, in the sum of $595,169 25 principal and interest; and that the Southern Pacific Railway Company was indebted to the special School Fund, on the same day, in the sum of $202,625, principal and interest.

4. The sale of these roads shall be at public auction; and if any person shall bid for either of said roads, the whole amount of the debt due by the company owning the road to the special School Fund, with interest to the day of sale, the whole amount to be paid down in coin, it shall be the duty of the Governor to accept such bid, and to cause the road in question to be knocked off to such purchaser, provided he cannot obtain a better bid in cash; but, if no person shall bid the whole amount due by the companies owning said roads respectively, it shall be the duty of the Governor to bid for each of said roads the whole amount due by the company to which the road belongs, to the School Fund, and thus purchase each of said roads for the State; and upon the making of such bid by

the Governor, and his public declaration that he purchases said roads for the State, said roads shall become the property of the State; and the Governor shall, on the same day, file in the office of the Secretary of State a written declaration that he purchased said roads, or either or any of them, as the case may be, for the State; which declaration shall be attested by the Secretary of State, and the seal of the State.

5. If any person other than the Governor shall become the purchaser of said roads, or either or any of them, then it shall be the duty of the Governor, after the payment of the price, to give to such purchaser a certificate of sale, signed by himself officially, and attested by the Secretary of State, using the seal of the State; which said certificate, after being recorded in the office of the Secretary of State, shall be delivered to the purchaser, and shall vest in said purchaser full title to the road or roads so purchased, with all the rights, franchises, property, &c., &c., set forth in the 3d section of the act of 13th of August, 1856, concerning the loan of the School Fund.

6. If the Governor shall purchase either or any or all of said roads for the State, he shall have, and is hereby vested with power to resell either or any or all of said roads to any person or company, or association of persons that can show, to the satisfaction of the Governor, the pecuniary ability to put said road or roads in complete running order for the use of the public; and that shall also enter into contract with the Governor to put such road or roads in complete running order within a reasonable time; and any person or company, or association of persons proposing so to contract with the Governor for the purchase of one or more of said roads, shall, in such contract, stipulate that the bonds of the former company or companies, for the sums borrowed from the School Fund, shall continue to be a first lien on said road or roads for the amounts due said School Fund; and in making any such contract, the Governor shall, as the representative of the State, stipulate that the party purchasing either or any or all of said roads shall have an extension of time for payment of the bonds of the former company or companies for the amounts due to the School Fund, of twenty years from the date of such contract; and such contract shall also contain a stipulation that if the party purchasing either or any or all of said roads shall make default for a period of thirty days in the payment of the interest upon said bonds, then the principal as well as the interest of said bonds shall be deemed to be due, and the State shall have the right to proceed to sell the road or roads upon which the bonds so becoming due are a lien, in such manner as is now or may hereafter be prescribed by law. Such resale and contract with the Governor

shall subrogate the party purchasing to all the rights and privileges granted by the charter or charters of the company or companies sold out, and shall subject the party purchasing to all the provisions of the laws of the State as fully as the sold out company or companies was or were.

7. If the Governor shall not make any resale of said roads, or either or any of them, before the first day of the meeting of the next Legislature of the State, then his power to resell said roads, or such of them as at that time have not been resold by him, shall cease, and it shall be the duty of the Legislature to make such disposition of such roads or road as may be the property of the State, as will best protect the special school fund, and subserve the interests of the public.

8. In the event that the Governor shall purchase any or either of these roads for the State, as hereinbefore provided, he shall have authority to take possession of the roads or road purchased, and to appoint a receiver or receivers to control and manage the same for the State, under his direction, until a resale shall be made, or until the Legislature shall otherwise direct.

9. In the event of a purchase of these roads, or either of them from the Governor, under the provisions of the 6th section of this declaration, nothing in this declaration contained, and nothing in the contract which the purchaser may enter into with the Governor, shall be construed or understood to deprive the Legislature of the power to control said roads by law, or to make any further agreement with said purchaser as may be deemed beneficial to the roads or to the public, and conducive to the security of the school fund.

10. It shall be the duty of the Governor to recite this declaration in the advertisement of said roads for sale.

A DECLARATION.

1. *It is hereby declared by the delegates of the people of Texas in Convention assembled*, That it shall be and is hereby made the duty of the present Provisional Governor of the State to cause the Houston Tap and Brazoria Railroad to be sold for the payment of the indebtedness of the company owning the same, to the special school fund of the State.

2. As soon after the passage of this ordinance as may be consistent with his other official duties, the said Provisional Governor shall cause the said railroad to be advertised for sale for sixty days in the following newspapers: The San Antonio Express, The Austin Republican, Flake's Galveston Bulletin, The Houston Telegraph, and for at least forty days in some leading paper in the city of New

York. The sale shall take place in front of the capitol, in the city of Austin, between the hours of ten o'clock, A. M. and two o'clock P. M. The sale shall be at public auction and under the direction of the Provisional Governor. The sale shall be for cash, to be paid down in gold or silver money of the United States, or in its equivalent in United States currency on the day of sale.

3. As there may be some question as to the rights of a purchaser under the existing law of the State, it is hereby declared, that any purchaser of this road shall have the right either to run and manage said road in conformity with the charter of the company now owning the same, and subject to the laws of the State in the premises, or to take up and remove the iron from said road; but if the use of said road shall ever be discontinued and the iron removed from the same, then the franchises granted in the charter authorizing the construction of said road shall revert to the State of Texas.

4. If any person shall appear and bid for said road and become the purchaser thereof on the day fixed for the sale, it shall be the duty of the Governor to give such purchaser a certificate of the sale and purchase, which shall be signed by the Governor officially, and attested by the Secretary of State, and the seal of the State; which said certificate shall be recorded in the office of the Secretary of State before being delivered to the purchaser; and such certificate shall vest full title to said road in the purchaser, with all the rights and privileges accorded by the charter of said road, by the laws of the State, and by this declaration.

5. No bid for a less sum than twenty-five thousand dollars in coin for said road shall be considered by the Governor; and if there be no sale made of the road aforesaid, then it shall be the duty of the Legislature, at its first session, to make such disposition of said road as may be deemed necessary and proper.

Mr. Flanagan moved that the rules be suspended to allow the consideration of the report.

Rules suspended.

Mr. Flanagan moved the report be made the special order of the day for Friday, at 10 o'clock, July 24, 1868.

Carried.

Mr. Yarborough offered the following resolution:

Resolved, That whereas it doth appear that the county of Wood, in the State of Texas, had a strong jail in good repair, and by misfortune said jail has recently been burned down, and the county being very short of funds to push forward the work of building a new jail, of which the county stands in great need; therefore, in order to assist the county court of the county of Wood to have the building of a new jail performed with speed, be it

Resolved by this Convention, That the State tax due from said county, for the years 1868 and 1869, be, and the same is hereby returned to the use of the said county of Wood.

Referred to the Committee on Finance.

Mr. Lippard offered the following declaration:

SECTION 1. *Be it declared by this Convention*, The following territory, to wit: Beginning at the northwest corner of Freestone county, Texas; thence running south 60° west to eastern boundary of McLennan county; thence north 30° west with the northeast line of said McLennan county to the northeast corner thereof; thence on a straight line to the southwest corner of Ellis county; thence north 60° east with the southeast line of the same, to a point opposite the place of beginning; thence south 30° east to the place of beginning, shall be, and constitute a new county, to be called the county of Richland.

SEC. 2. That the Commanding General of the Fifth Military District is hereby requested to appoint a county judge, county clerk, and all the other officers to which a county in Texas is entitled, in and for said county.

SEC. 3. That the county judge or county commissioner of said county, upon their qualification, shall proceed to select the county site thereof.

SEC. 4. That said county, for the purpose of district court jurisdiction, shall be and remain for the present a part of Hill county, Texas.

Referred to the Committee on Counties and County Boundaries.

Mr. Keigwin offered the following declaration, and asked its reference to the Committee on Judiciary:

A DECLARATION

Annulling an Act entitled "An Act to organize the County Courts, and to define the powers and jurisdiction thereof," approved October 25th, 1866.

WHEREAS, An Act, entitled "An Act to organize the county courts, and to define the power and jurisdiction thereof," approved October 25th, 1866, has conferred, in addition to the powers and jurisdiction exercised by said county courts, previous to the passage of the above entitled act, extraordinary, original and concurrent jurisdictions of suits against the county allowed by law; also, to hear and determine all suits and prosecutions in the name of the State by presentment, information or indictment, for misdemeanors and offences under the grade of felony; also, of all suits for the recovery of specific property or its value, torts, trespasses, injuries to person or property, breaches or violations of the revenue laws of the State, and of all suits for the recovery of money on any account, bill, bond, note, or other instrument of writing, in value not less than one hundred dollars, nor more than five hundred dollars, exclusive of interest; and,

WHEREAS, The extraordinary power is conferred upon the judges of said court, by authority of said act, of granting writs of mandamus, injunction, sequestration, attachment, and all other remedial writs and process necessary to enforce the jurisdiction in said act conferred; and,

WHEREAS, Said act authorizes six terms of said court to be held during the period of each year, and requires a jury of twelve persons to be previously drawn, and to be organized at each term thereof; and,

WHEREAS, By authority of said act, unusual, excessive and exorbitant fees are allowed to be taxed and collected by the officers of said court in all suits and proceedings had before them; and,

WHEREAS, Said courts, in the exercise of the jurisdiction conferred upon them by authority of said act, have proven to be a great burden and expense to the respective counties of the State, and onerous perplexing; and a heavy and burdensome tax on the time of the citizens of said counties, and an unnecessary and useless expenditure of the revenue of the several counties; and,

WHEREAS, The entire jurisdiction of all matters, conferred by authority of said act to said county courts, is delegated to and exercised by the several district courts of the State, and to which courts the jurisdiction of all such litigation properly belongs, and is already provided for by law; and,

WHEREAS, There is a general complaint and dissatisfaction expressed by the people of the State at the enactment of said law, and a general desire existing that the same should be blotted out; therefore,

Be it declared by this Convention, That the act entitled "An Act to organize the County Courts, and to define the powers and jurisdiction thereof," approved October 25th, 1866, be, and the same is hereby declared null and void, from the date of the passage of this resolution.

Be it further declared, That the clerks of the respective county courts in the several counties of this State, shall immediately transmit to the clerk of the district court of their respective counties, all of the original papers in each case, on the docket of their court, not finally disposed of; and they shall also make out and transmit to the district court, with the original papers in each case, all such orders, judgments and decrees as may have been rendered by the county court during the progress of such suit in said court, together with a taxation of all costs that may have accrued in each case; and the clerks of the district court, to whom the papers and transcript of said cases may be directed, shall docket the cases on the appearance docket of said court, as they appeared in their regular order on the docket of the county court; and all such cases shall stand for trial in their regular order, as other suits in said district courts, and be disposed of in the regular order of business of said court; and in all cases, wherein judgments or decrees have been rendered in said county courts, and which judgments have not been satisfied, and the orders and decrees not complied with, the clerks of said court shall also transmit the papers and transcript of the records in said cases to the clerk of the district court; upon the filing of which, without docketing by the district clerk, it shall be his duty to issue all the writs necessary to enforce the judgment, decrees or orders had in said cases in the county court.

Be it further declared, That the jurisdiction of the county courts of this State shall hereafter be only exercised in accordance with the laws now in force, exclusive of the jurisdiction granted by authority of the above recited act, which jurisdiction is limited to the transaction of all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons *non compos mentis*, as is now prescribed by law, and in the exercise and discharge of all the duties authorized and required to be performed by the various laws now in force, prescribing and regulating the duties and powers of police courts.

It was so referred.

Mr. Downing offered the following declaration, and asked its reference to the Committee on State Affairs:

RESOLUTION FOR THE OATH OF OFFICE.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as any officer of the United States, or as a member of any State Legislature, or an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; any person that voted for secession of his own free will and accord, shall not be allowed to vote, or hold any judicial office, or a member of the Legislature of the State of Texas; and I furthermore promise and swear that I never sympathized or gave aid or comfort; and I furthermore promise and swear that I held no office in the Confederacy, or neither sought nor accepted, nor pretended to accept any office in the United States hostile or inimical to the United States of America and the State of Texas; so help me God.

It was so referred.

Mr. Curtis offered the following resolution:

WHEREAS, We have just reason to believe that there exist armed bodies of men in this State, with the avowed purpose of wilfully murdering law-abiding, loyal men, for no reason, except for their devotion to the Union of their fathers; therefore

Resolved, That the President of this Convention appoint a Committee, to consist of five members of this Convention, as a committee of safety, whose duty shall be to advise and propose such measures as will protect the lives of the loyal people of Texas; and to present some system of defence against the outrages, murder, and rapine that is committed daily.

Be it resolved, That we have reports of from five to ten murders committed daily, and that unless relief is speedily had, that the Union men of Texas will be compelled to leave the State, to avoid assassination and extermination.

Mr. Carter moved that the rules be suspended to allow consideration of resolution.

Rules suspended.

Mr. Burnett moved that the resolution be referred to the Committee on Lawlessness and Crime.

Carried.

Mr. Gray offered the following resolution, and asked its reference to the Committee on Counties and County Boundaries:

WHEREAS, The Police Court of Titus county, A. D. 1867, by an order, authorized Norman Reynolds to construct a bridge over Boggy Bayou, where the Western road, leading from Jefferson, in Marion county, crosses said Bayou in Titus county, near the residence of said Reynolds, and

WHEREAS, Said Reynolds, by virtue of said order, has expended a large sum of money in the construction of said bridge, and has almost completed the same, about nine hundred feet in length; and

WHEREAS, The said bayou, for months in the year, is almost impassable; therefore be it

Resolved by this Convention, That the said Reynolds and his heirs and assigns shall have the right to complete said bridge, and receive tolls for crossing the same, in the same amount allowed the Hart's Creek Turnpike Company, in Titus county; and that the privilege hereby granted shall continue for ten years from the completion thereof: and the order of the county court aforesaid, granting the right, is hereby made valid.

SECTION 2. *Be it further resolved*, That, upon an inspection of said bridge by the judge of the county court and two county commissioners of Titus county, and their certificate that said bridge has been completed in accordance with the order aforesaid, the said Reynolds shall have the privilege of charging and receiving the tolls aforesaid; *provided* said bridge be kept in constant repair, and safe for travel at all hours of the day and night.

SEC. 3. Said Reynolds, his heirs and assigns shall be responsible for all damages sustained by reason of said bridge being out of repair.

It was so referred.

Mr. Whitmore, by leave, asked to introduce a report from the Committee on Finance.

COMMITTEE ROOM,
AUSTIN, Texas, July —, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Finance beg to return herewith the petition of S. B. Buckley, and beg to be discharged from further consideration of the same.

The evidences which have been produced suggest the untruthfulness of the representations of the petitioner. He was never an officer of the State, but a private employe of Mr. B. P. Scheumard, and Dr. Moore, at the rate of one dollar a day. Nor do the services of petitioner deserve any consideration.

A pamphlet of the Board of Natural Sciences of Philadelphia stamp S. B. Buckley as a common imposter; his achievements in Austin, where he has utterly ruined the collection of minerals, show him to be an ignoramus.

Respectfully,
WHITMORE,
Chairman.

Mr. Boyd offered the following resolution:

1. *Be it resolved*, That a committee of five be appointed by the President of this convention, to purchase an appropriate monument of fine American marble, to be erected over the remains of the lamented General Sam Houston, the father and statesman of Texas.

2. That the sum of one thousand dollars, or so much thereof as will be necessary, is hereby appropriated to carry into effect the above resolution.

Mr. Butler moved that the rules be suspended to consider the resolution.

Rules suspended.

Mr. Buffington moved to lay the resolution on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Harris, Buffington, Burnett, Coleman, Curtis, Downing, Grigsby, Johnson of Calhoun, Jordan, Kuechler, Morse, Munroe, Newcomb, Oaks, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Schuetze, Smith of Galveston, Thomas, Williams, Wilson of Milam—27.

Nays—Mr. President, Bell, Board, Boyd, Brown, Butler, Carter, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Kealy, Keigwin, Kendal, Leib, Lippard, Long, Mackey, McCormick, Mills, Muckleroy, Mullins, Mundine, Pedigo, Rogers, Scott, Slaughter, Stockbridge, Watrous, Whitmore, Wilson of Brazoria, Wright, Yarborough—41.

So the Convention refused to lay the resolution on the table.

Mr. Buffington offered the following substitute:

Resolved, That the Legislature is hereby authorized to appropriate ten thousand dollars for the purpose of erecting a suitable monument to the memory of the late Sam Houston.

The question recurring upon the adoption of the substitute, it was adopted.

Mr. Schuetze offered the following amendment to the substitute:

"Said monument to be erected near the Capitol of the State."

The amendment to the substitute was agreed to.

The question recurring upon the second reading of the resolution as amended, it was read a second time and agreed to.

Mr. Harn offered the following resolution:

SECTION 1. *Be it resolved by the people of Texas in Convention assembled*, That any person or persons having received money contributed for the purpose of erecting a monument on the battlefield of San Jacinto, shall pay the same into the Treasury of the State.

SEC. 2. *And be it further resolved*, That it shall be the duty of the Treasurer to invest all monies paid into the Treasury of the State, for the purpose aforesaid, in the bonds of the United States; and when said funds shall amount to the sum of five hundred thousand dollars, it is hereby made the duty of the Legislature to cause to be erected an appropriate monument on said battle-field.

SEC. 3. Any person having any such funds, shall pay the same into the treasury of the State within ninety days from the passage of this resolution; and, in case of failure to do so, shall pay ten per cent. per month on such money as he may have so received and fails to pay over, until the same shall be collected.

SEC. 4. It shall be the duty of the Comptroller to commence suit in the name of the State of Texas for such monies, and the Attorney General, or any district attorney, shall prosecute such suit or suits in the name of the State; and, in case of recovery, the same shall be paid into the State Treasury for the purposes and for the uses aforesaid.

SEC. 5. The Treasurer shall receive and report to the Comptroller all monies that may be received, contributed or appropriated for the purposes aforesaid; and the same shall be denominated "The San Jacinto Monumental Fund."

Referred to the Committee on State Affairs.

Mr. Bryant, of Harris, offered the following resolution, and asked its reference to the Committee on General Provisions.

Resolved, That the following shall form a part of the Constitution:

SECTION —. No person who shall ever have been so unfortunate as to have taken a human life, except in aid or execution of the law, shall ever hold a civil office in this State, until he shall have been relieved by a two-third vote of the Legislature.

It was so referred.

Mr. Smith, of Galveston, introduced the following declaration, and asked its reference to the Committee on Internal Improvements:

AN ORDINANCE

Incorporating the Northern Texas Railway Company.

Be it ordained by the Representatives of the people of Texas in Convention assembled:

SECTION 1. That Tipton Walker, Joseph J. Hendley, O. F. Hunsaker, James W. Allen, Joseph R. Morris, James H. Bell, Edward Degener, Morgan C. Hamilton, A. Bledsoe and E. J. Davis, of Texas; and N. A. Cowdrey, Fred. P. James, L. P. Morton, Joseph Rudd, E. B. Wesley, Horace S. Taylor, and Marcellus Hartley, all of the city of New York, or a majority of them, and their associates, successors and assigns, be and are hereby created and established a body corporate and politic, under the name of "The Northern Texas Railway Company," and by that name shall have perpetual succession.

SEC. 2. The capital stock of said corporation shall not exceed two hundred thousand shares of one hundred dollars each—but the corporation may be organized upon any less amount of capital stock. The directors of said corporation may issue said capital stock from time to time, at their discretion, and may divide the same into one or more classes of preferred stock, giving such preferences as to dividends and as to voting as shareholders thereon, as in their judgment will best promote the interest of the corporation.

The persons above named shall be the directors of the corporation for the first year, and until others are chosen in their place, and a majority of them shall be a quorum authorized to do any act or thing which this act authorizes. Either five of the directors above mentioned may call the first meeting of the board of directors for the purpose of organizing this corporation. The directors and shareholders may hold their meetings and exercise all their corporate rights under this act, either in the State of Texas or in the city of New York, as shall be most desirable or convenient; but full and accurate records of all their proceedings shall be kept in Texas.

The corporation may receive payment for its capital stock, in whole or in part, the obligations, bonds or shares of any railway or railroad company incorporated by the State of Texas, or by any State of the Union, or by the Republic of Mexico, or any State thereof, with which the railway of this company connects, in extension of their lines of railway.

SEC. 3. This corporation shall have all the powers, privileges and immunities of railroad companies under the laws of Texas; and especially to sue and be sued, to acquire by grant, donation or purchase; to use, occupy and sell, bargain, lease and convey all kinds of property, real and personal, necessary or convenient to operate, use, or maintain its railroad; or the part or the whole of any other railroad hereafter acquired by them. To make any laws for the government and management of the corporation or its officers, not contrary to the laws of Texas, or of the United States; to make, have and use a common seal, and the same to alter and renew at pleasure.

This corporation is hereby authorized to lease, buy, hold, use, sell or operate any line of railroad now existing or hereafter established in this State, and all its property, rights, privileges, franchises and immunities, real and personal.

Also, to construct, maintain, use and operate a railway with a single or double track, commencing at any point in the city of Galveston, or at any point in the city of Houston, or at any intermediate point, and extending in a northerly and westerly direction, via Columbus and San Antonio, to the westerly boundary line of this State, and from thence to the Pacific ocean; with the further privilege of making, owning, maintaining and operating such branches of said railway as they may deem the most expedient, not parallel to any existing line of finished railroad within twenty miles thereof, except at the terminal points. Also, to purchase, lease, buy or sell, join stocks, or consolidate with any railroad connecting with the road of this company, whether in this State or out of it; and whenever it shall have agreed with any company, and acquired the possession of their roadway, then this company shall have and exercise all the powers and privileges which have been or hereafter shall be conferred upon the company so agreed with or acquired, not contrary to the laws of this State.

Also, to build, erect and maintain suitable and convenient station houses, docks, wharves and warehouses, necessary or convenient for the business of the corporation; and also to build and maintain bridges across the rivers, bays or waters of this State in such manner as not to impair commerce or navigation, wherever their line of railway shall cross the same.

Also, to fix, regulate and receive the tolls and charges by them to be received for transportation of persons and property, or for storage or warehousing the property transported, or to be transported, over their road or any part thereof; but their charges, payable in the gold or silver coin of the United States, shall not exceed five cents per mile for passengers and fifty cents per hundred for each hundred miles for freight carried by them, or a currency charge equivalent to that amount payable in gold or silver coin of the United States.

Also, to take, transport, and carry property and persons by railway, by force and power of steam, or of animals, or of any mechanical or other power, or of any combination of them, which said company may choose to apply over any and all lines of railway owned, used or occupied by them, to such points as the company may contract to carry persons or property; also, to buy, and hold or sell, the shares of the capital stock and mortgage bonds, and obligations and evidences of debt made by any company with which this company is authorized as above to purchase, lease or join stocks, or consolidate with; and when purchased by this company, it shall have all the legal and equitable rights that the holders thereof had before their sale to this company.

Also, to support, maintain, hold, use, sell, and convey one or more steam ferry-boats or other steamboats, to be used in Galveston bay or harbor, or on the adjoining bayous or rivers.

Also, to purchase, hold, use, sell and convey, upon its line of railway or elsewhere, any materials, engines, cars, steam ferry-boats, steamboats, or any other property, real or personal, necessary or convenient for this corporation, and for their use in transporting persons and property, or storing or warehousing the same; to purchase, receive, and hold, and to sell and convey such real estate as may be necessary and convenient in accomplishing the object for which this company is incorporated.

This company shall, upon acquiring possession of the roadway of any other railroad or railway company which it is authorized as above to acquire, have all the powers, rights, privileges, and equities, which are or were had by the last named company, to acquire, receive, hold, bargain, sell, and convey lands.

And they shall also have power to purchase, acquire, receive, hold, bargain, grant, sell, and convey all or any part of the lands or the appurtenances thereto, which have been heretofore, or shall hereafter be granted or donated by the State of Texas, or by any municipal authority or by individuals, to aid in the construction of railroads; and also all rights, equities, or things whatsoever pertaining to said lands; and also to have, hold, bargain, and sell all claims, demands, or equities to said lands, against the State of Texas, or against any and all persons or corporations whatsoever.

And they shall also have power to build, construct, purchase or acquire any railway in extension of their line of road through or into the States of Louisiana, Arkansas, and Missouri, and to exercise all their rights, franchises, and privileges in either or all of said States.

And this corporation is hereby invested with all the powers and privileges, immunities and rights which are necessary or convenient to carry into effect the purposes and objects of this corporation, as herein expressed.

SEC. 4. The corporation shall have power to borrow money, and to make and issue bonds, in sums of $500, $1000 and $5000 each, to an amount not exceeding $20,000 per mile of their railway; said bonds may bear an interest not exceeding eight per centum per annum; the principal and interest may be payable in the city of New York, in gold or currency, at the option of the obligors; the interest semi-annually; the principal not beyond fifty years from date. For the ultimate redemption or payment of said bonds, they may establish a sinking fund, in such manner and form and on such terms as the directors deem expedient. The bonds so issued may be made convertable into either class of the capital stock of the corporation. The payment of the bonds may be secured by one or more mortgages or trust deeds upon this franchise, upon the whole or part thereof, and upon the whole or any part of the property of this company, real or personal, and upon the property or franchises which may hereafter be acquired by them. And, except as herein expressly provided, the corporation shall have no power or authority to mortgage or otherwise encumber their property, real or personal, unless the assent, in writing, of the majority in interest of the owners and holders of all the capital stock issued by the corporation shall be first had and obtained, authorizing the same.

The said mortgages, or trust deeds, may also contain covenants and agreements authorizing the bondholders to vote in all stockholders' meetings as follows: each one hundred dollars of the principal of the outstanding bonds shall be entitled to one vote; and giving the bondholders the same *pro rata* voice in the management of the company with, and as if they were stockholders to the amount of their bonds.

SEC. 5. The immediate government and direction of the affairs of the company shall be vested in a board of not less than seven nor more than fifteen directors; and after the period for which the present directors are designated expires, said directors shall be chosen by the stockholders of said company by ballot, at their annual meeting in each year, and shall hold their office until the next annual meeting of the company, or until others are duly elected and qualified to take their places as directors. The directors of this company need not be residents or citizens of the State of Texas, but they shall keep either the original or a duplicate copy of their records, containing all their doings, at their principal office in the State of Texas.

The preferred stockholders shall elect the directors until a dividend shall have been earned, declared, and paid on the common o ck: and, until then, the common stockholder shall have no vote voice in the election of directors.

The said directors shall elect one of their number president of e board, who shall also, by virtue thereof, be president of the mpany, and shall also elect a vice president of one of their numr. They shall also appoint a secretary, and such other officers or ents as the necessity or convenience ot the company requires.

A majority of the directors of the c mpany shall constitute a uorum to do business; a less number may adjourn from time to me.

In all meetings of the stockholders of said company, each share shall entitle the holder thereof to one vote, which vote may be given by said stockholder in person, or by lawful proxy. But this shall not authorize a common stockholder to have a vote for the choice of directors until a dividend has been paid on the common stock, as above provided.

In case it shall so happen that an election of directors shall not be made on the day appointed for that purpose, said corporation shall not for that cause be dissolved, but said election may be and on any day to which the stockholders shall adjourn, or which shall be appointed by the directors. And said directors shall have power to fill any vacancy which may occur in their board by death, resignation or otherwise. Also, to add to their number so as not to exceed thirteen in all.

The said directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem proper and needful, touching the disposition and management of the stock, property, estate, and effects of said company, the transfer of shares, the duties and conduct of their officers, agents, and servants, and all matters whatever which may appertain to the concerns of said company, not contrary to those established by the stockholders, or to this act, or to the laws of the State of Texas, or of the United States.

SEC. 6. Upon the dissolution of this corporation, after the payment of all its debts, the remaining assets shall be divided among the different classes of stockholders, according to their preferences; that is to say, the preferred stock shall be first paid in full, and the balance divided among the common stockholders *pro rata*. But this corporation shall not be dissolved by any act of the company, without an affirmative vote of two-thirds of each class of stockholders.

SEC. 7. Annual meetings of the stockholders for the choice of directors shall be held either in the State of Texas or the city of New York, in the month of March in each year after 1868, which meeting shall be called by the directors, who shall specify the time and place for holding the same. And at least thirty days previous to each annual meeting, the directors shall send through the post-office to each stockholder, to the address as shown by the company's books, a full and specific statement of all the business, acts, and doings of the corporation up to the first day of January preceding, and a notice of the time and place of holding said annual meeting.

SEC. 8. This company shall make all reports to the State of Texas, or to any of the officers of said State, required from other companies in said State, by the general laws thereof, and shall be subject to all general laws, in regard to running over the road of one company by another; they shall also keep at their office, in this State, full and complete accounts of the traffic of the company, and full and complete accounts of the shares and bonds issued by them, and full and complete records of all the doings of the board of directors; and shall, in the month of January, in each year, prepare and keep in their office, in this State, a full and complete list of their shareholders, as shown by their stock books, on the first day of January in each year.

And either the president or vice-president of the company, and the secretary and treasurer, or assistant secretary and treasurer, shall reside in this State.

It was so referred.

Mr. Schuetze offered the following resolution, and asked its reference to the Committee on Political and Legislative:

Resolved, That the legislature shall provide for the organization of an armed cavalry police force, under the chief command of the Governor of the State, and under such inferior officers as the Governor may appoint. Said force shall be stationed, a sufficient number in every county of the State; and it shall be the duty of the same to act as day and night patrols in their respective districts, in order to preserve the peace, prevent the commission of crime, arrest offenders against the public peace, and to deliver such offender to the proper civil authority, to be dealt with according to law.

It was so referred.

Mr. McWashington offered the following resolution, and asked its reference to the Committee on Judiciary:

Resolved, That the following shall be a section of the Constitution:

Sec. —. The real and personal property of any female in this State, acquired either before or after marriage, whether by gift, grant, inheritance, devise or otherwise, shall, so long as she may choose, be and remain separate estate and property of such female, and may be devised or bequeathed by her the same as if she were a *femme sole.*

Laws shall be passed providing for registration of the wife's separate property, and when so registered, and so long as it is not entrusted to the management or control of her husband, otherwise than as an agent, it shall not be liable for any of his debts, engagements, or obligation.

It was so referred.

Mr. McCormick moved the rules be suspended to take up report of Committee on Contingent Expenses, respecting the pay of extra mileage to Mr. Grigsby.

Lost.

Mr. Schuetze offered the following resolution:

Resolved, That the remarks of Hon. A. J. Hamilton and E. Degener, in support of a resolution introduced on the 20th day of July, by the Hon. R. K. Smith, be ordered to be printed in pamphlet form, and two thousand copies in the English language, and one thousand copies in the German language be distributed to the members of this Convention.

Mr. Schuetze moved a suspension of the rules to take up resolution.

Lost.

Mr. Schuetze moved its reference to the Committee on Printing.

It was so referred.

Mr. Long introduced the following resolution:

Be it Resolved by the people of Texas in Convention assembled, That Fred. Slaughter, the carrier of the mail from the post-office to the capitol, and *vice versa*, for the benefit of the members of this body, be allowed four dollars *per diem*, and that the Secretary be authorized to draw upon the Treasurer therefor as he draws for the members.

Laid over one day.

Mr. Armstrong, of Lamar, moved to suspend rules and take up resolution creating the county of Webster.

Lost.

Mr. Bledsoe offered the following resolution:

Resolved, That the President appoint a committee of three to inquire into the cause of certain families now in the vicinity of Austin fleeing from their homes.

Mr. Bledsoe moved a suspension of rules to take up resolution.

Rules suspended.

Resolution read and adopted.

The President announced the business in order was the report of the Executive Committee.

Mr. Burnett moved that the provisions of the Executive Department be read by sections and adopted *seriatim*.

Carried.

Mr. Degener moved that the House resolve itself into a committee of the whole upon the Executive Report.

[Mr. Whitmore in the chair.]

Committee rose, reported progress, and asked leave to sit to-morrow morning at ten o'clock.

Leave granted.

On motion, the Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
July 22, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the committee called for by the resolution of Mr. Bledsoe, to inquire into the cause of families leaving homes in Northern Texas, to be Messrs. Bledsoe, Vaughan and Slaughter.

The President announced the reception of the following communication from his Excellency E. M. Pease, Governor of the State of Texas, with accompanying documents in response to a resolution offered by Mr. Coleman.

EXECUTIVE OFFICE,
July 21, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: I have the honor to transmit herewith reports from the Comptroller of Public Accounts, State Treasurer and Commissioner of the General Land Office, giving the information desired by a resolution of the Convention, that was transmitted to me a few days since.

Very respectfully, your obedient servant.
E. M. PEASE.

WHEREAS, Rumors and reports are in circulation to the effect that the various departments of the State government in Austin are filled with employes who were enemies of the United States, and in some instances are still hostile to the government thereof and to the reconstruction of the State under the laws of Congress; therefore, in order that such "rumors and reports" may not circulate to the detriment of the heads of the various departments and that misrepresentation and injustice may not prevail, be it

Resolved by the people of the State of Texas in Convention assembled, That his Excellency, E. M. Pease, Governor of Texas, be, and he is hereby respectfully requested to inform this Convention of the number of clerks and other employes in the General Land Office, Comptroller's and Treasurer's office; how many of them have taken the oath of July 2, 1862; how many of them served in the armies or departments of the so-called Confederacy; how many of them are honorably discharged soldiers or sailors of the United

States; and how many of them are in political unison with the government that pays them.

Resolved, further, It is the opinion of the Convention that the resolution of Congress and the executive order of the President declaring "it is eminently right and proper that honorably discharged soldiers and sailors in the war for the suppression of the rebellion shall have preference in employment in the various departments of the government," is just and proper, and that preference in employment in the departments of the government of Texas should be first given to the nation's defenders; and second, to those who remained loyal during four years of Confederate barbarity and rebel persecution, and the Convention is further of the opinion that the constantly loyal should be given preference for all places of "trust and profit" over those who sought in any manner to dismember the Union, or persecuted and ill treated the friends thereof.

COMPTROLLER'S OFFICE,
Austin, Texas, July 20, 1868.

His Excellency E. M. PEASE,
Governor of Texas:

SIR: I have the honor to acknowledge the receipt of your communication of the 20th inst., transmitting the following resolution of the Constitutional Convention, to wit:

WHEREAS, Rumors and reports are in circulation to the effect that the various departments of the State government in Austin, are filled with employes, who were enemies of the United States, and in some instances are still hostile to the government thereof, and to the reconstruction of the State under the laws of Congress; therefore, in order that said rumors and reports may not circulate to the detriment of the heads of the various departments, and that misrepresentation and injustice may not prevail,

Be it resolved by the people of Texas in Convention assembled: That his Excellency E. M. Pease, Governor of Texas, be, and he is hereby respectfully requested to inform this Convention of the number of clerks and other employes in the General Land Office, Comptroller's and Treasurer's Office, how many of them have taken the oath of July 2, 1862, how many of them served in the armies or departments of the so-called Confederacy, how many of them are honorably discharged soldiers or sailors of the United States, and how many of them are in political unison with the government that pays them.

And requesting that I will, as early as convenient, furnish the information desired by the resolution.

In reply I beg leave, most respectfully, to say, that the following named individuals have, at different times, been clerks in this office since 3d September, 1867, to wit: Max Maas, Swante Palm, J. D. Coupland, H. M. Taylor, Horatio C. Hunt, L. B. Collins, A. G. Luck, Charles Schuetze, J. L. Buaas, Herman Sjoberg, A. Schuetze.

The following oath has been administered to each clerk upon his entering upon the discharge of his duties, and is filed among the archives of this office, to wit:

THE STATE OF TEXAS, }
COUNTY OF TRAVIS. }

I, ——— ———, do solemnly swear that I will faithfully and impartially discharge and perform the duties incumbent on me as clerk in the Comptroller's office for the State of Texas, according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State; and I do further solemnly swear that since the adoption of the Constitution by the Congress of the United States. I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, assisted or advised any person thus offending, so help me God. Furthermore, I do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof, that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto; and I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

Max Maas was an officer of the Confederate States Army.

A. G. Luck was Quartermaster Sergeant in frontier service during a portion of the time of the rebellion.

Adolph Schuetze and H. C. Hunt were in the Federal service during the rebellion, and are honorably discharged soldiers of the United States, as I believe.

I acted as an officer of the so-called Confederate States Army, from August 1863, to near the close of the rebellion, without confirmation by the Senate, and was finally removed by the Secretary of War because of my supposed attachment to the Government of the United States. My oath is on file at the State Department, and of course is subject to inspection.

It is proper to remark, that no one connected with this office entered the so-called Confederate States service before he was conscribed.

I sincerely believe that there is not now, nor has there been, a single employe of this office, since it has been in charge of the present provisional Comptroller, who is not most heartily in sympathy with the Republican party of the country, and who is not most sincerely attached to the Government of the United States, and who does not promote by his influence and his vote the reconstruction laws of Congress.

I have the honor to be, your ob't serv't,
GEORGE C. RIVES,
Acting Comptroller.

STATE TREASURER'S OFFICE,
Austin, July 20, 1868.

To his Excellency,
Gov. E. M. PEASE,

SIR: In reply to your communication of this day, enclosing a copy of a resolution passed by the Convention now in session, I have the honor to state that this office employs a chief clerk and an assistant clerk, both of whom have on various occasions taken the oath of July 2, 1862; that both are in political unison with the government that pays them; that neither of them have ever served in the armies or departments of the so-called Confederacy; that one of them was a refugee from Texas during the rebellion, and the other is an honorably discharged soldier of the United States Army.

The other employes are a night watchman and a message boy or porter; the former is a Swede, and has not been a year in the United States and knows nothing of politics; the latter is a colored boy fifteen years old. All of which is respectfully submitted by

Your most obedient servant,
JOHN T. ALLAN,
Treasurer.

GENERAL LAND OFFICE,
Austin, Texas, July 20, 1868.

His Excellency, E. M. PEASE,
Governor:

SIR: Your communication of this date, transmitting certain resolutions of the Convention, asking for information respecting the political status of the employes of this office, has just been handed to me. I have to state in response to said resolutions, that there are employed in this office one chief clerk, one receiving clerk, one translator, one examining clerk, one file and application clerk and five assistant clerks, seven draftsmen and one porter, making nineteen employes, all of whom, except the porter, have taken the oath to support the Constitution and laws of the United States and the Constitution of the State of Texas; but have not been required to take the test oath prescribed by Congress for United States officers, approved July 2, 1862. None of them, as far as I know and believe, ever held any office under the Confederate States, but some of them had to accept employment in some of the departments to avoid conscription, and one or two of them were in the Confederate army, but they have all been throughout the war and since Union men, and are now loyal and in entire unison and accord with the Congressional plan of reconstruction.

Yours very respectfully,
JOSEPH SPENCE.

Mr. Schuetze moved a suspension of rules to allow Mr. Degener to make a few remarks upon the attempted assassination of Judge Cooley.

Rules suspended.

Mr. Degener offered the following resolution:

Resolved, That the attention of the Governor be called to the gallant conduct of Frank Yung, Sheriff of Gillespie county, and his companion, Captain Alfred Hunter, who have succeeded in arresting the would be assassin of Hon. C. Cooley; and the Governor is hereby respectfully requested to devote the sum of five hundred dollars out of the appropriation of twenty-five thousand dollars made for such purposes by this Convention, as a suitable recompense to the said Frank Yung and Alfred Hunter for their efficient services.

Mr. Schuetze moved the rules be suspended for further consideration of the resolution.

Rules suspended.

Resolution read second time and engrossed.

Mr. Degener moved a further suspension of rules, to put resolution on its passage.

Rules suspended.

The question recurring upon the passage of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Curtis, Degener, Downing, Fayle, Fleming, Foster, Gray, Grigsby, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Keuchler, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Mills, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright—59.

Nays—Messrs. Armstrong, of Jasper, Board, Boyd, Cole, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Goddin, Harn, Johnson of Calhoun, Keigwin, McCormick, Morse, Phillips, of San Augustine, Wilson of Brazoria—17.

So the resolution passed.

Mr. Ruby moved the suspension of the rules to take up the following resolution, offered by Mr. Curtis:

Rules suspended.

Resolved by the people of Texas in Convention assembled: That a committee of three be appointed by the President of this Convention, to proceed to the town of Millican, for the purpose of investigating the cause of the late disturbance at that place, and report the result thereof to this body; that said committee are invested with full power to summon such witnesses before them, and examine such papers as shall be necessary to elicit the desired information.

That any and every Sheriff in the State shall execute any and every process, of whatsoever character that may be issued by said committee.

That the sum of five hundred dollars, or so much thereof as shall be necessary, be and the same is hereby appropriated out of the contingent fund of this Convention, for the purpose of defraying the expenses of said committee.

That Brevet Major General J. J. Reynolds be and he is hereby respectfully requested to aid said committee in this investigation, by the protection of an adequate escort of cavalry or infantry, as he may direct.

Mr. Evans, of Titus, moved the resolution be referred to the Judiciary Committee.

Mr. Degener moved the previous question upon the passage of the resolution.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong, of Lamar, Bell, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Butler, Burnett, Carter, Coleman, Curtis, Degener, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Gray, Grigsby, Hamilton, of Travis, Hunt, Johnson, of Harrison, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough—67.

Nays—Messrs. Armstrong, of Jasper, Boyd, Evans, of Titus, Gaston, Glenn, Keigwin, Mullins—7.

So the main question was ordered.

The question recurred upon the second reading of the resolution.

Resolution read second time and ordered to be engrossed.

Mr. Sumner moved a suspension of rules to put resolution upon its passage.

Rules suspended.

Mr. Sumner offered the following amendment:

Amend by giving the chairman of said committee power to swear witnesses.

Mr. Degener moved the adoption of the amendment.

It was agreed to.

The question recurred upon the third reading of the resolution.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Coleman, Curtis, Degener, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Gray, Grigsby, Hamilton of Travis, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—66.

Nays—Armstrong of Jasper, Boyd, Carter, Evans of Titus, Gaston, Glenn, Keigwin, Mullins—8.

So the resolution was adopted.

Mr. Phillips, of Wharton, asked leave of absence for Mr. Johnson, of Calhoun.

Leave granted.

There being no objection, Mr. Hamilton, of Travis, introduced the following report from Judiciary Committee, and asked to have it printed:

REPORT OF JUDICIARY COMMITTEE.

COMMITTEE ROOM,
Austin, Texas, July 22, 1868.

To the Hon. E. J. DAVIS,
President of the Convention of the State of Texas:

SIR: The Committee on the Judiciary, after a careful consideration of the judicial department of the Constitution, have instructed me to report the accompanying article. It will be perceived that many grave changes of our judicial system are proposed in the article. It is believed that the reasons for most of those changes can be found in the experience of almost every lawyer and of every law-abiding citizen in the State. Thinking it unnecessary, if not improper to indulge in any extended argument in support of the various sections of the article, it is respectfully submitted as the result of the most careful examination and soundest judgment the Committee were capable of exercising on the subject.

Very respectfully
A. J HAMILTON,
Chairman.

JUDICIAL DEPARTMENT.

ARTICLE IV.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior courts and magistrates as may be created by this Constitution, or by the Legislature under its authority. The Legislature may establish Criminal Courts in the principal cities within the State, with such criminal jurisdiction co-extensive with the limits of the county wherein such city may be situated, and under such regulations as may be prescribed by law; and the judge thereof may preside over the courts of one or more cities, as the Legislature may direct.

SEC. 2. The Supreme Court shall consist of five judges, any three of whom shall constitute a quorum. They shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of fifteen years. But the judges first appointed under this Constitution shall be so classified by lot, that the term of one of them shall expire at the end of every three years. The judge whose term shall soonest expire shall be the presiding judge. All vacancies shall be filled for the unexpired term. If a vacancy shall occur, or a term shall expire when the Senate is not in session, the Governor shall fill the same by appointment, which shall be sent to the Senate within ten days after that body shall assemble, and if not confirmed the office shall immediately become vacant.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which in civil causes shall be co-extensive with the limits of the State. In criminal causes no appeal shall be allowed to the Supreme Court unless some judge thereof shall, upon inspecting a transcript of the record, believe that some error of law has been committed by the judge before whom the cause was tried; *Provided*, that said transcript of the record shall be presented for such inspection within thirty days from the date of the trial, under such rules and regulations as shall be prescribed by the Legislature. Appeals from interlocutory judgments may be allowed, with such exceptions and under such regulations as the Legislature may prescribe. The Supreme Court and the judges thereof shall have power to issue the writ of *habeas corpus*; and, under such regulations as may be prescribed by law, may issue the writ of mandamus and such other writs as may be necessary to enforce its own jurisdiction. The Supreme Court shall also have power to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction.

SEC. 4. The Supreme Court shall hold its sessions annually at the Capitol of the State.

SEC. 5. The Supreme Court shall appoint its own clerks, who shall hold their offices for four years, unless sooner removed by the court for good cause entered of record on the minutes of the court. The said clerks shall give bond in such a manner as is now or may hereafter be required by law.

SEC. 6. The State shall be divided into convenient judicial districts, for each of which one judge shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of eight years, who shall, after their appointment, reside within the district, and shall hold a court three times a year in each county thereof, at such time and place as may be prescribed by law.

SEC. 7. The district court shall have original jurisdiction of all criminal cases; of all in behalf of the State to recover penalties, forfeitures and escheats; and of all suits and cases in which the State may be interested; of all cases of divorce; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land; of all suits for the enforcement of liens; and of all suits, complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to one hundred dollars, exclusive of interest; and the said courts and judges thereof shall have power to issue all writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. The district court shall also have appellate jurisdiction in cases originating in inferior courts, with such exceptions, and under such regulations as the Legislature may prescribe. And the district court shall also have original and exclusive jurisdiction for the probate of wills, appointing guardians, granting letters testamentary and of administration, for settling the accounts of executors, administrators, and guardians, and for the transaction of all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons of unsound mind, and the settlement, partition and distribution of such estates, under such rules and regulations as may be prescribed by law.

SEC. 8. In the trial of all criminal cases, the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine to be imposed, except in cases where the punishment or fine shall be specifically imposed by law. *Provided*, That in all cases where by law it may be provided that capital punishment may be inflicted, the jury shall have the right in their discretion to substitute imprisonment to hard labor for life.

SEC. 9. A clerk of the district court for each county, shall be appointed by the judge thereof, who shall hold his office for four years, subject to removal by the Judge of said court for cause spread upon the minutes of the court; the said clerk shall exercise such powers and perform such duties appertaining to the estates of deceased persons, lunatics, idiots, minors, and persons of unsound mind in vacation as may be prescribed by law; *Provided*, That all contested issues of law or fact, shall be determined by the district court. And the clerk of the district court shall be recorder for the county of all deeds, bonds, and other instruments required by law to be recorded, and also ex-officio clerk of the police or county court, and by virtue of his office shall have control of the records, papers and books of the district, and county or police court, and shall generally perform the duties heretofore required of county and district clerks.

SEC. 10. The judges of the Supreme and district courts shall be removed by the Governor on the address of two-thirds of the members elected to each House of the Legislature, for incompetency, neglect of duty, or other reasonable cause which shall not be sufficient ground for impeachment. *Provided*, however, that the cause or causes, for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House. *And provided further*, That the cause or causes shall be notified to the judge so intended to be removed; and he shall be admitted to a hearing in his own defense before any vote for such address shall pass. And in all such cases the vote shall be taken by yeas and nays and entered on the journals of each House respectively.

SEC. 11. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or where he shall have been of counsel in the case. When the Supreme court or any three of its members, shall thus be disqualified to hear and determine any case or cases in said court, or where no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said case or cases. When a judge of the district court is thus disqualified, the parties may, by consent, appoint a proper person to try the case, and upon their failing to do so, the case shall be transferred for trial to the county in the adjoining district, whose county seat is nearest to that of the county where the case is pending. District judges may exchange districts, or hold courts for each other, when they may deem it expedient. and shall do so, when required by law. The disqualification of judges of inferior tribunals shall be remedied as prescribed by law.

SEC. 12. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint a District Attorney for each judicial district, who shall hold his office for four years; and the duties, salary, and perquisites of district attorney shall be prescribed by law.

SEC. 13. The judges of the Supreme court shall receive a salary not less than four thousand five hundred dollars annually, and the judges of the district court, a salary not less than three thousand five hundred dollars annually. And the salary of the judges shall not be diminished during their continuance in office.

SEC. 14. When a vacancy shall occur in the office of judge of the district court; or district attorney, at a time when the Senate is not in session, the Governor shall fill the same by appointment, which shall be sent to the Senate within ten days after that body shall assemble, and if not confirmed, the office shall immediately become vacant.

SEC. 15. The judges of the Supreme and district courts, shall, by virtue of their offices be conservators of the peace throughout the State. The style of all writs and process shall be, "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude, "against the peace and dignity of the State."

SEC. 16. In all cases of law and equity, when the matter in controversy shall be valued at or exceed ten dollars, the right of trial by jury shall be preserved, unless the same shall be waived by the parties or their attorneys, except in cases where a defendant may fail to appear and answer within the time prescribed by law; and the cause of action is liquidated and proved by an instrument in writing.

SEC. 17. Every criminal offence that may by law be punished by death, or in the discretion of the jury by imprisonment to hard labor for life, and every offence that may by law be punished by imprisonment in the State Penitentiary, shall be deemed a felony, and shall only be tried on an indictment found by a grand jury. But all offences of a less grade than a felony, may be prosecuted upon complaint under oath by any peace officer or citizen before any justice of the peace or other inferior tribunal that may be established by law, and the party so prosecuted shall have the right of trial by a jury to be summoned in such a manner as may be prescribed by law.

SEC. 18. One sheriff for each county shall be appointed by the judge of the district court for the district, to which the counties respectively belong, who shall hold their offices for four years, subject to removal by the judge of said court for cause spread upon the minutes of said court. Process against the sheriff and all such writs as by reason of interest in the suit or connection with the parties or for other causes, the sheriff is incompetent to execute, shall issue to and be executed by any constable in the county.

SEC. 19. There shall be elected in each county by the qualified voters of the different precincts or county, as may be directed by law, five justices of the peace, one of whom shall reside after his election at the county seat, and not more than one of said justices shall be a resident of the same justices' precinct. They shall hold their offices for two years, and should a vacancy occur in either of said offices, an election shall be held for the unexpired term.

SEC. 20. Justices of the peace shall have such civil and criminal jurisdiction as shall be provided for by law. And the justices of the peace in each county, or any three of them, shall constitute a court. having such jurisdiction similar to that heretofore exercised by county commissioners and police courts, as may be prescribed by law. And when sitting as such court the justice who resides at the county seat shall be the presiding justice. The times and manner of holding said courts shall be prescribed by law. Justices of the peace shall also be commissioned to act as notaries public. Justices of the peace shall also discharge all the duties of coroner, except such as by section 21 of this article, are devolved upon constables.

SEC. 21. Each county shall be divided into five justices' precincts. And the justices of the peace in each county sitting as a county court shall appoint one constable for each justices' precinct, who shall hold his office for two years, subject to removal by said court for cause spread upon the minutes of the court. And said constables, or either of them, in addition to the ordinary duties of their office, shall discharge the duties of sheriff in all such cases as heretofore devolved those duties upon the coroner.

SEC. 22. Sheriffs and justices of the peace shall be commissioned by the Governor.

SEC. 23. Sheriffs, district clerks, and justices of the peace, when acting as such, and when acting as a county court, shall receive such fees or other compensation as may be provided for by law.

On motion the Convention resolved itself into Committee of the Whole.

[Mr. Whitmore in the chair.]

Committee rose, reported progress and asked leave to sit again to-morrow at 10 o'clock.

Leave granted.

Mr. Fayle, by leave, introduced a minority report from Committee on Internal Improvements, and asked that it be printed.

So ordered.

On motion the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL. AUSTIN, TEXAS,
July 23, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President announced the committee to proceed to Millican to enquire into the late disturbances, to be Messrs. Sumner, Curtis and Adams.

Mr. Whitmore, from the Committee on Finance, made the following reports:

COMMITTEE ROOM,
July —, 1868.

Hon. E. J. DAVIS,
President of the Convention:

The Committee on Finance have had the resolution offered by Mr. Yarborough, of Wood county, under consideration, requesting the Convention to relinquish to the county of Wood, the State tax for 1868 and 1869, for the purpose of constructing a jail in said county, have had the same under consideration, and instruct me to return the same back to the Convention. and ask that it do not pass.

WHITMORE,
Chairman.

COMMITTEE ROOM,
July —, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Your Committee on Finance, to whom was referred a resolution of the Convention appropriating the sum of two hundred dollars ($200), to procure a frame for the portrait of General Sam. Houston, have had the same under consideration, and the Committee instruct me unanimously to report the same back to the Convention, and recommend that two hundred dollars, or so much thereof as may be necessary, for the purpose contemplated in the resolution, be appropriated out of the contingent fund of the Convention.

Respectfully submitted,
WHITMORE,
Chairman.

COMMITTEE ROOM,
July —, 1868.

Hon. E. J. DAVIS,
President of the Convention:

The Committee on Finance, to whom was referred a resolution or memorial from A. Siemering & Co., in relation to a resolution passed by the Convention to discontinue the four hundred copies of the San Antonio Express, have had the same under consideration, and have requested me to return the same, and ask that the Express be discontinued, in accordance with the resolution passed by the Convention.

Respectfully submitted,
WHITMORE,
Chairman.

Mr. Flanagan, Chairman of the Committee on Internal Improvements, offered the following report, with accompanying declaration:

COMMITTEE ROOM,
Austin, July 22, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee have had before them a declaration presented by the Hon. Mr. Bell, of Austin county, asking the incorporation of a company for the building of a bridge across the Brazos river, and believing it to be a laudable enterprise, and that it does not involve the State in any pecuniary manner, the Committee have instructed me to report back the accompanying declaration, with the recommendation that it pass.

J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

DECLARATION

To incorporate the Bellville, Hempstead and Bryan Bridge Company.

Be it declared by this Convention:

SECTION 1. That J. G. Bell and such other persons as he may associate with himself, are hereby incorporated under the name of the "Bellville, Hempstead and Brazos Bridge Company," and under such name shall sue and be sued, and have succession for thirty years.

SEC. 2. Said company shall have the right to construct a bridge, of iron or wood, across the Brazos river, at or near a point where a straight line from the town of Bellville to the town of Hempstead, in Austin county, Texas, crosses the Brazos river.

SEC. 3. Said company shall construct said bridge in a good and substantial manner, and within five years from the 1st day of January, A. D. 1869; and shall keep the same in good repair for the term of thirty years from the completion thereof; and to be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge; and be responsible as common carriers under the law for any loss of property in transit over said bridge.

SEC. 4. That said company shall be entitled to charge and receive, from the completion of said bridge, for a term of thirty years, the following tolls, from all persons who may cross themselves or their property, viz. four-horse or ox stage, or wagon, loaded, fifty cents; for six-horse or ox stage, or wagon, loaded, seventy-five cents; and for each additional pair of horses, mules, or oxen, attached to said wagons, twenty-five cents; for man and horse, fifteen cents; single horse and buggy, thirty cents; two-horse buggies, two-horse or ox wagons, fifty cents; other vehicles in proportion; footman, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head; and other property not mentioned, in proportion to the above rates.

SEC. 5. That no other bridge shall be constructed across said Brazos river, for the space of thirty years, within five miles, on a straight line up and down said Brazos river, from said bridge, which said Bellville, Hempstead and Brazos Bridge Company may construct, and that this declaration be and have effect from its passage.

Mr. Armstrong, of Lamar, offered the following resolution:

Be it resolved by this Convention, That all the resolutions and declarations introduced into this Convention asking the creation of new counties be referred and recommitted to the Committee on Counties and County Boundaries, and that said Committee report by a general declaration such new counties as in their judgment ought to be created and established.

Mr. Armstrong, of Lamar, moved a suspension of the rules to put resolution on its passage.

Rules suspended, and resolution adopted.

By unanimous consent, Mr. Degener introduced a petition from citizens of Bexar county, and asked its reference to the Committee on Counties and County Boundaries.

Mr. Smith, of Galveston, offered the following resolution:

Resolved by the people of Texas in Convention assembled, That a committee of five members be appointed by the President of this Convention, for the purpose of selecting and presenting to this Convention such pretended laws, passed by the pretended secession convention and the pretended legislatures convened in pursuance thereof, as in their judgment should be validated for the well-being of the public interest.

Mr. Armstrong, of Lamar, moved the suspension of the rules, to allow consideration of resolution.

Lost.

Laid over under rules.

Mr. Bryant, of Harris, offered the following resolution:

Be it ordained by the people of Texas in Convention assembled, That all so-called special laws of the so-called Eleventh Legislature of the State of Texas, granting charters and franchises for any purpose or purposes other than the incorporation of educational institutions or benevolent societies of a religious character are, and were, in fact, conservators of influences lately at war with the United States of America, and being mainly composed of men lately engaged in such war, and whose sympathies, socially and politically, are adverse to the Union loving people of this State and nation, and in favor of the "lost cause" of the so-called Confederate States of America, the same are hereby declared to be null and void from the beginning, and as such are repealed; and, it is hereby enacted and declared, that no persons shall exercise, claim, or have any right under, or pretended right under the same; nor shall any such corporation, so-called, be regarded as a person, in the law, for any purpose whatever.

On motion, it was referred to Judiciary Committee.

Mr. Sumner offered the following resolution:

Resolved, That a committee of three be appointed, to inquire into, and report without delay, whether there are more employes in this Convention than necessary.

Mr Sumner moved a suspension of the rules to take up resolution.

Lost.

Laid over one day.

Mr. Thomas moved that the unfinished business upon the President's table be taken up.

Carried.

The President announced the first business on the table was the following report of the Committee on Contingent Expenses, respecting the journalizing of the proceedings of the Convention:

COMMITTEE ROOM,
July 25, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Contingent Expenses, to which was recommitted the resolution originally reported by said committee, in reference to the substantial recording of the journals of the Convention, and the substitute offered by Mr. Burnett, of Houston, and the motion to amend the substitute made by Mr. Thomas, of Collin, have again had the subject matter under consideration, and are of the opinion that the original resolution embraces all that is necessary or expedient for the Convention to do on the subject; that the price specified is adequate, but not excessive; that the work is such as falls naturally and almost necessarily within the duties of the Chief Secretary of the Convention, who is responsible, and must be so held for its proper execution; that it is not at all necessary, and hardly desirable, that it should be done currently with the sittings of the Convention; and, in the opinion of your committee, the Convention cannot consistently make it the duty of the Secretary to have this work done, and for a certain price, and then require him to transfer the work and pay to another man. The Convention has not provided for such an office as Recording Secretary; and, in the judgment of this committee, there exists no reason for making such an office.

I am, therefore, instructed to report it as the opinion of this committee that the original resolution reported from this committee should be passed, and they therefore report the same back, and recommend its passage.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary of the Convention be, and he is hereby authorized and required to have the journals of the Convention inscribed in a bound volume, such as is commonly used in recording deeds; and the said secretary shall receive the sum of twenty cents for every hundred words of said journals so inscribed, in addition to his per diem pay.

Mr. Burnett offered the following substitute:

WHEREAS, the secretary of this Convention has procured the services of Mr. John C. Morris, to record the Journal of this Convention, in a well bound record book; and

WHEREAS, said Morris has been engaged in said work for more than thirty days, and is still engaged in said work, and is well qualified to perform said work, in a neat and correct manner; therefore,

Be it resolved, That the Secretary is hereby directed to issue to said John C. Morris. a certificate for pay at the rate of twenty cents for each hundred words recorded.

Resolved further, That the secretary is hereby directed to supervise said record, and see that the same is correctly and properly made.

Mr. Burnett moved the adoption of the substitute.

Substitute adopted.

Mr. Thomas moved to insert $6 00 per day, instead of twenty cents per one hundred words.

Adopted.

Mr. Gray moved that the whole business be recommitted to the Committee on Contingent Expenses.

Carried.

The President announced the next business in order was upon the following resolution of Mr. Armstrong of Lamar, to adjourn *sine die*:

Resolved, That this Convention adjourn *sine die*, on Friday, the 1st day of August next.

Mr. Bryant of Harris, moved to lay the resolution on the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans of Titus, Fayle, Fleming, Foster, Goddin, Grigsby, Hamilton, of Travis, Hunt, Johnson of Harrison, Johnson, of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Long, Mackey, McWashington, Mills, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Smith of Galveston, Smith, of Marion, Stockbridge, Sumner, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson, of Milam, Wright—53.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Boyd, Burnett, Cole, Flanagan, W. Flanagan, Gaston, Glenn, Gray, Harris, Harn, Keigwin, Lippard, Morse, Muckleroy, Mullins, Phillips of San Augustine, Rogers, Scott, Slaughter, Whitmore, Yarborough—23.

So the resolution was laid upon the table.

Mr. Thomas moved that the Convention go into Committee on the Whole upon the report of the Executive Committee.

Carried.

[Mr. Whitmore in the chair.]

Committee rose, reported progress, and the adoption of certain sections to the Constitution, and asked leave to be discharged from the further consideration of the report of the Executive Committee.

REPORT OF EXECUTIVE COMMITTEE.

[July 23, 1868—Reported from Committee of the Whole, and made the special order for Monday, July 27, 1868.]

SECTION 1. The Executive Department of the State shall consist of a Chief Magistrate, who shall be styled the Governor, a Lieutenant Governor, a Secretary of State, a Comptroller of Public Accounts, a Treasurer, a Commissioner of the General Land Office, an Attorney General, and a Superintendent of Public Instruction.

SEC. 2. The Governor shall be elected by the qualified voters of the State, at the time and places at which they shall vote for Representatives to the Legislature.

SEC. 3. The returns for every election of Governor shall be made out, sealed up, and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them, in the presence of both Houses of the Legislature. The person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be forthwith chosen Governor, by a joint vote of both Houses of the Legislature. Whenever there shall be a contested election for the office of Governor, or of any of the executive officers to be elected by the qualified voters of the State, it shall be determined by the joint action of both Houses of the Legislature.

SEC. 4. The Governor shall hold his office for the term of four years from the time of his installment, and until his successor shall be duly qualified. He shall be at least thirty years of age, a citizen of the United States, and shall have been a resident and citizen of the State of Texas for three years immediately preceding his election. He shall be inaugurated on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable.

SEC. 5. The Governor shall, at stated times, receive a compensation for his services, which shall not be increased nor diminished during the term for which he may have been elected. His annual salary shall be five thousand dollars, until otherwise provided by law.

SEC. 6. He shall be Commander-in-Chief of the militia of the State, except when they are called into the actual service of the United States.

SEC. 7. He may, at all times, require information in writing from all the officers of the Executive Department on any subject relating to the duties of their offices; and he shall have a general supervision and control over them. He shall have the power of removal of each of said officers for misfeasance, malfeasance, or nonfeasance; but the reasons and causes of such removal shall be communicated in writing by him to the Senate at the first meeting of the Legislature which occurs after such removal, for its approval or disapproval; if disapproved by the Senate. it may restore the displaced incumbent by a vote of that body. If a vacancy occurs in any of the executive offices, by death, resignation or removal, or from any other cause, during the recess of the Legislature, the Governor shall have the power, by appointment, to fill such vacancy, which appointment shall continue in force till the succeeding session of the Legislature, when he shall communicate such appointment to the Senate for confirmation or rejection. If it be confirmed by the Senate, the tenure of office shall continue until the regular return of the periodic election of said officer.

SEC. 8. He shall have power, by proclamation, on extraordinary occasions, to convene the Legislature at the seat of Government; but if the prevalence of dangerous disease, or the presence of the public enemy there, shall render it necessary, then at any other place he may deem expedient.

SEC. 9. He shall from time to time, give to the Legislature information in writing of the condition of the State, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason; and to this end, he may respite a sentence therefore until the close of the succeeding session of the Legislature; provided, that in all cases of remission of fines or forfeitures, or grants of reprieve, or pardon, the Governor shall file in the office of the Secretary of State his reasons therefor.

SEC. 12. Nominations to fill vacancies occurring in the recess of the Legislature, shall be made by the Governor during the first ten days of its session. And should any such nomination be rejected, the same person shall not again be nominated during the session, to fill the same office.

SEC. 13. During the session of the Legislature, the Governor shall reside where its sessions are held; and at all other times at the capital, except when, in the opinion of the Legislature, the public good may otherwise require.

SEC. 14. No person holding the office of Governor shall hold any other office, or commission, civil or military.

SEC. 15. At the time of the election of a Governor, there shall also be elected by the qualified voters of the State, a Lieutenant Governor, possessing the same qualifications as the Governor, and who shall continue in office for the same period of time. He shall, by virtue of his office, be president of the Senate; and shall have, when in Committee of the Whole, the right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election and be duly qualified; or until the Governor, impeached, absent, or disabled, shall be acquitted, returned, or his disability removed.

SEC. 16. Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect, from its own members, a president for the time being. If, during the vacancy in the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve; or if he be impeached, or absent from the State, the president of the Senate for the time being shall, in like manner, administer the government, until he shall be superseded by a Governor or Lieutenant Governor. The compensation of the Lieutenant Governor shall be twenty-five hundred dollars per annum, and shall not be increased or diminished during the time for which he may have been elected; and while acting Governor, the same compensation as the Governor would receive for a like period of service in his office, and no more. The president of the Senate for the time being shall have the same compensation as may be given by law to the Lieutenant Governor; and if called upon to administer the government, in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service and no more. If the Lieutenant Governor, while acting Governor by succession, shall die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate, for the purpose of choosing a president of the Senate for the time being.

SEC. 17. There shall be a Secretary of State appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, with all papers, minutes and vouchers relative thereto, before the Legislature or either House thereof, and shall perform such other duties as may be required of him by law.

SEC. 18. There shall be a seal of the State. which shall be kept by the Governor, and used by him officially. The seal shall be a star of five points, encircled by an olive and live oak branches, and the words, "The State of Texas."

SEC. 19. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 20. There shall be a Comptroller of Public Accounts elected by the qualified voters of the State, at the same time, and in the same manner, as the Governor is elected, and having the same qualifications; who shall hold his office for the term of four years. He shall superintend the fiscal affairs of the State; give instructions to the assessors and collectors of taxes; settle with them for taxes; take charge of all escheated property; keep an accurate account of all monies paid into the treasury, and of all lands escheated to the State; publish annually a list of delinquent assessors and collectors, and demand of them an annual list of all tax payers in their respective counties, to be filed in his office; to keep all the accounts of the State, audit all the claims against the State; draw warrants upon the Treasurer in favor of the public creditors, and perform such other duties as may be prescribed by law.

SEC. 21. There shall also be a Treasurer of the State, elected at the same time of the election of Governor, having the same qualifications as the Governor and Comptroller of Public Accounts; who shall hold his office for the same period of time. He shall receive, and take charge of all public money paid into the treasury; countersign all warrants drawn by the Comptroller of Public Accounts; pay off the public creditors upon the warrants of the Comptroller of Public Accounts; and perform all such other duties as may be prescribed by law.

SEC. 22. A Commissioner of the General Land Office shall be elected by the qualified voters of the State at the same time, and in the same manner, as the Governor, Comptroller of Public Accounts, and Treasurer may be elected, who shall hold his office for a like period of time, and shall possess the same qualifications. He shall be the custodian of the Archives of the land titles of the State; the register of all land titles hereafter granted; and shall perform such other duties as may be required by law.

SEC. 23. There shall be an Attorney General of the State, having the same qualifications as the Governor, Lieutenant Governor, Comptroller of Public Accounts, Treasurer and Secretary of State; who shall be appointed by the Governor, with the advice and consent of the Senate. He shall hold his office for the term of four years. He shall reside at the capital of the State during his term of office. He shall represent the interest of the State in all suits, or pleas, in the Supreme Court, in which the State may be a party; superintend, instruct, and direct the official action of the District Attorneys, so as to secure all fines and forfeitures, all escheated estates, and all public moneys, to be collected by suit; and he shall, when necessary, give legal advice in writing to all officers of the government, and perform such other duties as may be required by law.

SEC. 24. The Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney General, shall each receive for his services the annual salary now fixed by law; and which shall neither be increased nor diminished during their continuance in office.

SEC. 25. Should a vacancy occur in either of the offices mentioned in the last section, (section 24 of this article,) by death, resignation, or otherwise, it shall be filled by appointment by the Governor, if in the recess of the Legislature, and referred by him to the Senate, on its subsequent assembling, for confirmation. If the Senate be in session when such vacancy occurs, then the Governor shall nominate some fit person to that body, to fill out the unexpired term of the office.

SEC. 26.—Every bill, which shall have passed both Houses of the Legislature, shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapprove it, he shall return it with his objection, to that House in which it originated; which House shall enter the objections at large upon the journals of the House, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objection to the other House, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that House, it shall become a law; but, in such cases, both Houses shall determine the question by yeas and nays, with the names of the members respectively entered upon the journals of each House. If a bill shall not be returned by the Governor within five days (Sundays excepted,) after it shall have been presented to him, it shall become a law, in like manner as if he had signed it. Every bill presented to the Governor one day before the final adjournment of the two Houses, and not signed by him, shall become a law, and shall have the same force and effect as if signed by him. The Governor may approve any appropriation, and disapprove any other appropriation, in the same bill, by signing the bill, and designating the appropriation disapproved, and sending a copy of such appropriation, with his objections, to the House in which it originated; and the same proceedings shall be had on that part disapproved, as on other bills disapproved by him; but, if the Legislature shall have adjourned before it is returned, he shall return it, with his objections, to the Secretary of State, to be submitted to both Houses at the succeeding session of the Legislature.

Sec. 27. Every order, resolution, or vote, in which the concurrence of both Houses shall be required, except the question of adjournment, shall be presented to the Governor, and must be approved by him before it can take effect; or being disapproved, shall be repassed in the manner prescribed in the case of a bill.

Committees report read and accepted.

Mr. McCormick moved that two hundred copies of the declaration as reported from the Committee of the Whole, be printed and made the special order for Monday, July 27th, at 10 o'clock.

Mr. Talbot moved that the rules be suspended, to allow the Committee on Education to report.

Rules suspended.

Mr. Smith of Galveston, moved that the reading of report be dispensed with and that it be printed.

Carried

To the Hon. E. J. DAVIS,
President of the Convention:

Sir: The undersigned five members of the Committee on Education, beg leave to submit the following statement of our views in regard to the indebtedness of the railroads of the State to the Special School Fund:

We find that by the legislation of 1839 and 1845, 2,302,560 acres of land were set apart to the one hundred and thirty organized counties of the State, as the basis of a perpetual School Fund. About five-sixths of this amount has been located and surveyed.

The Convention of 1866, in addition to the land grant to the counties, set apart for educational purposes the reserved sections of railroad lands, amounting to 2,548,070 acres; making a total land endowment of 4,850,630 acres.

Your committee is of opinion that many years must elapse before any adequate amount will be realized from the sale of these lands.

Any school system we may adopt will have to depend mainly for support upon other sources of income, until the stable reconstruction of laws and society in Texas shall have produced their good fruits in a more general prosperity and the consequent rise in value of real estate.

In 1854, five per cent. United States specie bonds, to the amount of two millions of dollars, were set apart as a special school fund, to be applied towards the payment of teacher's salaries.

To the history of this fund we invite your special attention.

In 1856, authority was given to loan this fund to railroad companies under certain conditions; the companies giving first mortgage bonds payable in ten years, at six per cent. specie, interest, with a further annual payment of two per cent. as a sinking fund. This act was amended in 1858, but these conditions were unchanged.

Under this law, the Houston and Central Railroad, borrowed in 1858-9, $450,000. The interest on which was paid to March 1st, 1860.

From this date to January 20th, 1864, no interest was paid. In the month of January, March, April, July and August, 1864, there were made so-called payments of interest in State warrants, amounting to $105,800 00.

The next payment occurred April 23d, 1866, in specie, to the amount of $10,830 00.

During 1867, five payments were made in specie, the aggregate amounting to $27,460.

In the opinion of your committee the so-called payment of interest, in State warrants, during the year 1864, amounting to $105,800, is not an equitable payment and should not be credited as such. This sum deducted, the indebtedness of the Houston and Central road to the School Fund is as follows:

Interest due to March 1st, 1868	$193,284.59
Principal due	432,090.00
Total	$625,374.59

The indebtedness of the Washington County Railroad is as follows:

Borrowed of the School Fund June 6th, 1859....	$66,000.00
Paid to sinking fund June 6, 1860	1,320.00
Total principal due	$64,680.00

Interest due to March 1st, 1868, after deducting all specie payments	$31,698.19
Total indebtedness to March 1st, 1868	$96,378.19
There were so-called payments of interest and principal, made in State warrants during the years 1864, and 1865, to the amount of	$47,090.20
The Buffalo Bayou, Brazos and Colorado Railroad, borrowed from the School Fund at various times, from March 1st, 1858, to December 17th, 1859,	$420,000.00
Paid to sinking fund	12,000.00
Total principal due	$408,000.00
Interest due and unpaid to March 1st, 1868	$210,174.55
Total indebtedness to March 1st, 1868	$618,174.55
There were so-called payments of interest on this account during 1864, made in State warrants amounting to	$98,019.25
The Houston Tap and Brazoria Railroad company borrowed in 1859 and 1860, in coin	$300,000.00
Of which there is now due	295,800.00
Interest due to March 1st, 1868	142,845.71
Total indebtedness	$438,645.71
So-called payments were made in State warrants during the year 1864, to the amount of	$69,483.33
The Southern Pacific Railroad Company borrowed of the School Fund in 1862, in specie	$150,000.00
None of which has been paid.	
Interest due to March 1st, 1868	$52,625.25
Total indebtedness	$202,625.25
Texas and New Orleans Railroad borrowed of School fund, in coin	$430,500.00
Interest due March 1st, 1868	$164,666.25
Total indebtedness	$595,166.25

RECAPITULATION OF DEBT.

Houston and Texas Central	$625,374.59
Washington County	96,378.19
Buffalo Bayou, Brazos and Colorado	618,174.55
Houston Tap and Brazoria	438,645.71
Southern Pacific	202,625.25
Texas and New Orleans	595,166.25
	$2,576,354.54

Recapitulation of the amount of State warrants issued by the rebel State government during the war, and paid into the State Treasury as a specie payment on the School Fund debt.

Houston and Texas Central	$105,800 00
Washington County	47,090 20
Buffalo, B. B. and Colorado	98,019 25
Houston Tap and Brazoria	69,483 33
	$320,392 78

Your committee is of opinion that none of these so-called payments made by railroads in State warrants, during the late war, should be allowed by the loyal State government.

The policy of the so-called government of the State during the war was to maintain the value of their paper money, or warrants issued for the carrying out of purposes hostile to the United States, and having this purpose in view, the pretended law was passed under which these payments were made.

The foregoing being considered, and your committee being desirous to recommend such a declaration as will secure the school fund of the State in its just claims against these roads, as well as to give the companies a fair opportunity to relieve themselves of these claims without hasty sacrifice of property, I have been instructed to report the following declaration, and to ask that it be incorporated into the Constitution.

DECLARATION

Providing for the sale of such railroads of this State as may be indebted to the school fund.

SECTION 1. *Be it declared by the people of Texas in Convention assembled,* That the railroads within this State which are indebted to the school fund, to-wit: The Buffalo Bayou, Brazos and Colorado railroad; the Washington County railroad; the Houston and Texas Central railroad; the Houston Tap and Brazoria railroad; the Southern Pacific railroad, and the Texas and New Orleans railroad, shall be sold by the Governor of the State, either at public auction or private sale, as he may order, to any company or individual that will, in the particular case, assume the entire debt that may be due from the railroad to the said school fund; such sale to be under the following terms and conditions:

The company or individual purchasing any of the railroads sold under this provision, to deposit in the treasury of the State, at the time of such sale, the one-fourth part of such indebtedness, which said fourth part may be used, under the supervision of the Governor, in putting the railroad sold in good running order, or in extending the same.

That the company or individual purchasing any of said railroads under the provisions thereof, shall have a term of twenty years within which to complete payment of the indebtedness to the school fund, the payment to be made in equal semi-annual installments, with interest at six per cent. per annum, payable also semi-annually. That should any company or individual, who may purchase under the provisions hereof, fail to make any of the semi-annual payments, either of the amount of indebtedness to said school fund, or of interest due, then the whole amount of such indebtedness and interest shall become due, and the railroad in possession of such company or individual shall be again sold by the Governor, under the terms and conditions of this declaration.

Provided, That, in making the first sale of any of the said railroads, as hereinbefore provided, the Governor shall give a preference to the company or individual at present owning the same.

Provided further, That should the Governor not be able to sell any of said railroads, under the terms and conditions of this declaration, then he may sell the same at public auction unconditionally, for such sums as may be offered for the same.

Provided further, That the indebtedness of said railroads, hereinbefore mentioned, is intended to include the total amount of principal and interest due from said railroads without regard for any pretended payment made during the late rebellion, when such payments were made in any other currency than gold and silver.

JOSEPH W. TALBOT,
Chairman.

J. G. LIEB, RALPH LONG,
JACOB KUECHLER, G. J. RUBY,
JAMES P. BUTLER.

On motion the Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 24, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Hamilton, of Travis, rose to a privileged question.

In the report of the debate upon the Millican disturbance, instead of the language, "I admit that the colored men were wrong," it should have been, "admit that the colored men were wrong:"

The President announced the appointment of Mr. Thomas upon the Committee to proceed to Millican in place of Mr. Curtis, declined.

Mr. Carter, from the Committee on Political or Legislative, made the following report:

COMMITTEE ROOM,
July 23, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: A resolution offered by Mr. Adams, in reference to the regulation of charters.

A resolution offered by Mr. W. Flanagan, in reference to licensing gaming houses.

Your Committee are of the opinion that these resolutions should have been referred to the Committee on General Provisions.

Returning the same, your Committee respectfully ask to be excused from further consideration of the same, and that they be referred to the Committee on General Provisions.

All of which is respectfully submitted.

CARTER,
Chairman *pro tem.* Committee on Political or Legislative.

Mr. Smith, of Galveston, offered the following resolution:

Resolved, That the Committee to investigate the Millican murders be authorized to employ a clerk.

The Convention refused to suspend rules for consideration of resotion.

Mr. Scott offered the following resolution:

Therefore, be it declared by the people of Texas in Convention assembled, That the Police Court of Lamar county be authorized to levy a special tax for the purpose of paying the present indebtedness of said county, and that said tax be collected as heretofore directed by law.

On motion the resolution was referred to the Committee on Finance.

Mr. Watrous offered the following resolution:

Be it declared by the people of Texas in Convention assembled, That no person shall be excluded from holding any office of profit or trust in this State on account of race, color or previous condition.

On motion the declaration was referred to the Committee on General Provisions.

Mr. Whitmore, of Smith, offered the following resolution:

Be it resolved, That his Excellency Governor E. M. Pease be respectfully requested to report in detail to the Convention:

1. The amount in United States five per cent. indemnity bonds and coupons recovered for the benefit of the State since the inauguration of the Provisional Government, in 1865, with the cost of recovering the same.

2. What compromises, if any, have been made to recover these bonds and coupons.

3. What has been done with the bonds and coupons recovered, or the money derived from compromises, if any have been made.

4. The probability of recovering for the use and benefit of the State any United States bonds issued to the State of Texas, known to be in existence and not cancelled at the national Treasury, with such other information in relation to this subject which he may have, and may be pleased to give.

Mr. Thomas offered the following resolution:

Resolved, That the President of this Convention be, and he is hereby authorized to draw from the contingent fund the sum of five hundred dollars, or so much thereof as may be necessary, to be used by him in transmitting dispatches to, and paying for telegrams from our commissioners at Washington.

Mr. Gray moved a suspension of rules to take up resolution.

Rules suspended.

The question recurring upon the second reading of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington. Butler, Burnett, Carter. Cole, Coleman, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Gray, Grigsby, Harris, Harn, Horne, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith, of Marion, Stockbridge, Sumner, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson, of Milam, Wright.—66.

Nays—Messrs. Armstrong of Jasper, Boyd, Glenn, Keigwin—4.

So the resolution was ordered to be engrossed.

Mr. Gray moved a further suspension of the rules to put resolution on its passage.

Rules suspended.

Resolution read a third time and passed.

Mr. McCormick moved that the unfinished business upon the President's table be taken up.

Carried.

The President announced the first business in order was the following resolution of Mr. Patten's, to instruct the Committee on State Affairs to report upon location of Capitol of the State:

Resolved, That the Committee on State Affairs be required to report back to the Convention the section of the new constitution introduced by the Hon. A. J. Evans, to locate the Capitol and State Universities.

The resolution was withdrawn by consent. The President announced that the next business in order was upon the following resolutions of Mr. Lippard, to discontinue newspapers now furnished to the Convention:

WHEREAS, it is our duty to our constituents, in view of the probable long session of this Convention, and the limited means to pay its expenses, to exercise all proper economy; and

WHEREAS, it is not the province of this Convention to disseminate party creeds or to support newspapers as heralds of particular factions, and supporters of particular men; therefore be it

Resolved, 1. That all newspapers taken by the Convention be and the same are hereby discontinued.

2. That the Committee on Printing be and are hereby authorized to contract with the lowest Republican bidder for 1000 copies per day of the journals of the Convention, said copies to be laid on the members' desks by 9 o'clock, A. M., the following day.

Mr. Burnett moved to lay the resolution upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adam, Armstrong of Lamar, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Cole, Coleman, Constant, Downing, Flanagan, Fleming, Foster, Goddin, Gray, Harn, Johnson of Calhoun, Jordan, Kealy, Keuchler, Lindsay, McWashington, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Thomas, Varnell, Watrous, Wilson of Brazoria, Wright—46.

Nays—Messrs. Armstrong of Jasper, Bell, Boyd, Butler, Curtis, Degener, Evans of McLennan, Fayle, Gaston, Glenn, Grisby, Harris, Horne, Hunt, Keigwin, Kendal, Lippard, Long, Morse, Newcomb, Oaks, Patten, Whitmore, Williams, Wilson of Milam, Yarorough—26.

So the resolution was laid on the table.

The president announced the next business in order was upon Mr. Buffington's resolution, to discharge the clerks of the various committees of the Convention.

Mr. Butler moved to lay the motion upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Boyd, Brown, Bryant of Harris, Butler, Burnett, Carter, Coleman, Constant, Curtis, Downing, Evans of McLennan, Flanagan, Fleming, Foster, Goddin, Horne, Hunt, Johnson of Harrison, Keuchler, Leib, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Ruby, Schutze, Slaughter, Smith of Marion, Whitmore, Yarborough—36.

Nays—Messrs. Adams, Armstrong of Jasper, Board, Bryant of Grayson, Buffington, Cole, Degener, W. Flanagan, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Calhoun, Kealy, Keigwin, Kendal, Lindsay, Lippard, McCormick, McWashington, Morse, Mundine; Pedigo, Phillips of Whartorn, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—40.

So the Convention refused to lay the resolution on the table.

The president announced that the hour had arrived to take up the report of the Committee on Internal Improvements, upon the sale of the Buffalo Bayou, Brazos and Colorado Railroad, and other railroads.

Mr. Fayle made the following minority report:

MINORITY REPORT OF COMMITTEE OF INTERNAL IMPROVEMENTS.

The minority would call the attention of the Convention to the following facts in relation to the Buffalo Bayou, Brazos and Colorado Railroad, and which were not known to a majority of the committee at the time their report was first made and ordered to be printed:

1. The Buffalo Bayou, Brazos and Colorado Railroad was originally built with the moneys and materials furnished principally by non-residents of the State of Texas, and who, in consequence of their non-residence, were unable to preserve and protect their interests during the late unhappy rebellion.

2. Up to the inauguration of that dreadful state of affairs the Buffalo Bayou, Brazos and Colorado Railroad was kept in most excellent condition, was constantly being extended and improved, and not only paid the interest accruing on the school fund, but actually lessened the principal itself by twelve thousand dollars.

3. In consequence of the financial derangements produced by the rebellion, and the wearing out of the rolling stock, machinery and road beds during its continuance, said Buffalo Bayou, Brazos and Colorado Railroad Company became greatly embarrassed at the close of the rebellion, and were left without means, machinery, or rolling stock, and a worn-out road on their hands as the results of the war.

4. Subsequent to the war, however, and up to the fifteenth of June last, these same non-resident creditors, instead of taking advantage of the necessities of the old company for their exclusive benefit, as they might very justly have done, have been generously rendering such assistance as they could to the former company for their resuscitation and establishment; but, as events have proved, unfortunately without success.

5. On the fifteenth of June last, and since this Convention commenced its session, in order to secure their own interests, with the full consent and at the express desire of the former company, the aforesaid non-resident creditors have been induced to take the management of said road into their own hands and subject to their sole control; and, forming a new company, have united themselves with one of your own citizens, identified with every interest of the State, and a prominent and well known railroad man.

6. Carrying out in good faith the programme laid down in their formation as a new company, to make the Buffalo Bayou, Brazos and Colorado Railroad a first-class road, and being fully able to do

so, they have since the fifteenth of June last paid of the floating debt of the old company, $20,000 to the laborers and workmen previously employed, and in judgment $50,000 more; leaving the entire floating debt now due not over $16,000. They have ordered from Calcasieu and along the line of the road a new set of cross ties, and are relaying the roadbed at a probable cost of $60,000; they have bought and paid for, and it is now on the way, a substantial truss iron bridge to go across the Brazos river at Richmond, and are now building the brick and concrete abutments therefor, and which bridge, when finished by the first of October next, will be at a cost of $80,000; and in addition to all this there is ordered an entirely new rolling stock, which will swell the cost $75,000 more; all of which amount, $255,000, has been or will be expended during the present year.

7. There is now eighty-five miles of road built, which will be put in first class order, as before said, during the present year, with the certainty that as soon as it is practicable it will be extended to the utmost degree; thus making it one of the most valuable railroads in the State, and affording ample security to the school fund in the future.

With these facts in view the minority think it would be unfair, and an act of great injustice to these enterprising men, citizens of our common country, for this Convention to take advantage of the derangements caused by the recent civil strife, and the well meant efforts of the present company to sustain the former one, and now, at so short notice, to foreclose the mortgage of the State upon the road; more particularly as they are just starting out as a new company, with all the difficulties of a recent change, and without any opportunity afforded them of meeting the obligations thus suddenly and in some measure unexpectedly thrown upon them. Such action of this Convention would deprive them of all means of recovering their just dues, after laying out of them some ten or twelve years without any benefit therefrom, and would not increase the certainties of the State realizing the proper advantages of the school fund. The minority conceive that such action on the part of this Convention would greatly affect the credit of the State abroad, and much trammel railroad enterprises within the State of Texas for the future; and would respectfully suggest that a proper and just course would dictate that every reasonable favor and extension should be granted said company; and that this may be done, yet the well prized school fund of the State of Texas be at no unnecessary risks, and the hopes of a broad and wise system of educational interests imperiled; therefore,

DECLARATION.

Be it declared, That the Buffalo Bayou, Brazos and Colorado Railroad Company shall be, and is hereby, required to deposit with the Comptroller of the State of Texas. within sixty days from the passage of this declaration, the sum of one hundred and twenty-five thousand dollars, either in money or United States bonds, as additional security to the bonds now in possession of the State, for the amount due on the School Fund, principal and interest; amounting in all to $499,800, due March 1, 1868.

2. That the said $499,800, with so much interest accruing thereto as shall make the sum total $500,000, shall form a new principal, the interest of which shall be paid by said Buffalo Bayou, Brazos and Colorado Railroad Company on the first day of January next, and semi-annually afterwards, as it becomes due.

3. Said Buffalo Bayou, Brazos and Colorado Railroad Company shall be entitled to draw out of the hands of the Comptroller any portion of said deposit, in sums of not less than twenty thousand dollars at a time, whenever said company can make satisfactory showing to the Governor that they have expended such amount in the permanent improvement or in the actual extension of said road.

4. Should said company not produce to the Governor, within sixty days from the passage of this declaration, the receipt of the Comptroller, showing that the sum of one hundred and twenty-five thousand dollars, in money, or United States bonds, has been deposited for additional security, as required by the first section of this declaration; or should the said company fail to make any payment of interest for sixty days from the time such payment is due, the Governor shall be, and he is hereby, authorized, after giving thirty days' notice in the Austin Republican, San Antonio Express, Flake's Bulletin, National Index, and one leading paper respectively in Boston and New York, to proceed to sell, or to have sold, from the Capitol steps, in the city of Austin, said Buffalo Bayou, Brazos and Colorado Railroad, with its entire rolling stock, together with all the rights, privileges, franchises, immunities and claims that said company may have to the same, to any person or persons who shall bid the whole amount of principal and interest due on the day of sale; payments to be made as follows: one-fourth down, and the remainder in four annual installments, with interest from the day of sale, secured by lien on the road.

The minority would also offer the following modification of the majority report, as it respects the New Orleans and Southern Pacific Railroad:

A DECLARATION.

1. *It is hereby declared by the delegates of the people of Texas in Convention assembled*, That it shall be and is hereby made the duty of the present Provisional Governor of this State to cause the following named railroads to be sold for the payment of the indebtedness of the companies owning them, respectively, to the Special School Fund of the State, to-wit: the Texas and New Orleans Railroad, and the Southern Pacific Railroad.

2. It shall be the duty of the Governor, as soon after the passage of this act as may be consistent with his other official duties, to cause said railroads to be advertised for sale, for sixty days, in the following named newspapers, to-wit: the San Antonio Express, the Austin Republican, Flake's Galveston Bulletin, the Galveston News, the National Index, at Tyler, Smith county, some newspaper in the city of Marshall, Harrison county, and one leading paper in the city of New York. The sale shall take place on the steps of the Capitol, in the city of Austin, between the hours of ten o'clock, A. M., and two o'clock, P. M., under the direction of the Governor. The said roads shall be sold separately. The sale shall transfer to the purchaser all the property in the road and of the company to which the road belongs, upon which the bonds executed for the loan of the Special School Fund are a lien, as set forth in the third section of the act of the thirteenth of August, A. D. 1856, concerning the loan of the School Fund.

3. For the purpose of the sale herein contemplated, it is hereby declared that the Texas and New Orleans Railway Company was indebted to the Special School Fund, on the same day, in the sum of $595,166.25, principal and interest; and that the Southern Pacific Railway Company was indebted to the Special School Fund, on the same day, in the sum of $202,625, principal and interest.

4. The sale of these roads shall be at public auction; and if any person shall bid for either of said roads the whole amount of the debt due by the Company owning the road to the Special School Fund, with interest to the day of sale; one fourth to be paid down in coin, and the balance in four annual installments with interest thereon, it shall be the duty of the Governor to accept such bid, and to cause the road in question to be knocked off to such purchaser, provided he cannot obtain a better bid in cash; but, if no person shall bid the whole amount due by the companies owning said roads respectively, it shall be the duty of the Governor to bid for each of said roads the whole amount due by the Company to which the road belongs to the School Fund, and thus purchase each of said roads for the State; and upon the making of such bid by the Governor, and his public

declaration that he purchases said roads for the State, said roads shall become the property of the State; and the Governor shall, on the same day, file in the office of the Secretary of State a written declaration that he purchased said roads, or either or any of them, as the case may be, for the State, which declaration shall be attested by the Secretary of State and the seal of the State.

5. If any person other than the Governor shall become the purchaser of said roads, or either or any of them, then it shall be the duty of the Governor, after the payment of one-fourth the price and first class bonds securing the payment of the remainder, principal and interest, to give to such purchaser a certificate of sale, signed by himself officially, and attested by the Secretary of State, using the seal of the State, which said certificate, after being recorded in the office of the Secretary of State, shall be delivered to the purchaser, and shall vest in said purchaser full title to the road or roads so purchased, with all the rights, franchises, property, etc., etc., set forth in the third section of the act of the thirteenth of August, 1856, concerning the loan of the School Fund.

6. If the parties purchasing any of said road or roads at public sale, shall fail to pay any of the subsequent installments with the interest accruing thereon, for ninety days after such payment is due, said parties shall forfeit all right and claim to said road or roads, and the Governor shall have authority to take possession of said road or roads and appoint a receiver or receivers to manage the same for the State, until a re-sale can be effected or the Legislature may otherwise prescribe; and said parties so forfeiting their rights in the road shall have no recovery for the amounts previously invested.

7. It shall be the duty of the Governor to recite this declaration in the advertisement of said roads for sale.

A DECLARATION.

1. *It is hereby declared by the delegates of the people of Texas in Convention assembled*, That it shall be, and is hereby made the duty of the present Provisional Governor of the State to cause the Houston Tap and Brazoria Railroad to be sold for the payment of the indebtedness of the company owning the same, to the Special School Fund of the State.

2. As soon after the passage of this ordinance as may be consistent with his other official duties, the said Provisional Governor shall cause the said railroad to be advertised for sale for sixty days in the following newspapers: the San Antonio Express, the Austin Republican, Flake's Galveston Bulletin, the Houston Telegraph; and for at least forty days in some leading paper in the city of New York.

The sale shall take place in front of the Capitol, in the city of Austin, between the hours of ten o'clock, A. M., and two o'clock, P. M. The sale shall be at public auction and under the direction of the Provisional Governor. The sale shall be for cash, to be paid down in gold or silver money of the United States, or in its equivalent in United States currency, on the day of sale.

3. As there may be some question as to the rights of a purchaser under the existing law of the State, it is hereby declared that any purchaser of this road shall have the right either to run and manage said road in conformity with the charter of the company now owning the same, and subject to the laws of the State in the premises, or to take up and remove the iron from said road; but if the use of said road shall ever be discontinued and the iron removed from the same, then the franchises granted in the charter authorizing the construction of said road shall revert to the State of Texas.

4. If any person shall appear and bid for said road, and become the purchaser thereof on the day fixed for the sale, it shall be the duty of the Governor to give to such purchaser a certificate of the sale and purchase, which shall be signed by the Governor officially, and attested by the Secretary of State, and the seal of the State; which said certificate shall be recorded in the office of the Secretary of State before being delivered to the purchaser; and such certificate shall vest full title to said road in the purchaser, with all the rights and privileges accorded by the charter of said road, by the laws of the State, and by this declaration.

5. No bid for a less sum than twenty-five thousand dollars in coin for said road shall be considered by the Governor; and if there be no sale made of the road aforesaid, then it shall be the duty of the Legislature, at its first session, to make such disposition of said road as may be deemed necessary and proper.

Mr. Evans, of McLennan, moved the following substitute for the whole:

DECLARATION

Providing for the sale of such railroads of this State as may be indebted to the School Fund.

SECTION 1. *Be it declared by the people of Texas in Convention assembled*, That the railroads within this State which are indebted to the School Fund, to wit: the Buffalo Bayou, Brazos and Colorado Railroad; the Washington county Railroad; the Houston and Texas Central Railroad; the Houston Tap and Brazoria Railroad; the Southern Pacific Railroad; and the Texas and New Orleans Railroad; shall be sold by the Governor of the State. either at public auction or private sale, as he may order, to any company or any individual that will, in the particular case, assume the entire debt that may be due from the railroad sold, to the said School Fund; such sale to be under the following terms and conditions:

The company or individual purchasing any of the railroads sold under this provision, to deposit in the Treasury of the State, at the time of such sale, the one-fourth part of such indebtedness, which said fourth part may be used, under the supervision of the Governor, in putting the railroad sold in good running order, or in extending the same.

That the company or individual purchasing any of said railroads under the provisions thereof, shall have a term of twenty years within which to complete payment of the indebtedness to the School Fund; the payment to be made in equal semi-annual installments, with interest at six per. cent per annum, payable also semi-annually. That, should any company or individual, who may purchase under the provisions hereof, fail to make any of the semi-annual payments, either of the amount of indebtedness to said School Fund, or of interest due, then the whole amount of such indebtedness and interest shall become due, and the railroad in possession of such company or individual shall be again sold by the Governor, under the terms and conditions of this declaration.

Provided, That in making the first sale of any of the said railroads, as hereinbefore provided, the Governor shall give a preference to the company or individual at present owning the same.

Provided further, That should the Governor not be able to sell any of said railroads, under the terms and conditions of this declaration, then he may sell the same at public auction unconditionally, for such sums as may be offered for the same.

Provided further, That in the indebtedness of the said railroads hereinbefore mentioned, it is intended to include the total amount of principal and interest due from said railroads, without regard to any pretended payments made during the late rebellion, when such payments were made in any other currency than gold and silver.

Mr. Boyd moved to adjourn until to morrow morning at nine o'clock.

Mr. Hamilton, of Travis, asked that the motion be withdrawn.

Motion withdrawn.

Mr. Hamilton asked leave of absence be given to Messrs. Adams and Gray, for an indefinite period.

Leave granted.

Upon the motion to adjourn the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Bledsoe, Boyd, Brown, Butler, Cole, Downing, Evans of McLennan, Fayle, Foster, Gaston, Glenn, Grigsby, Hamilton of Travis, Harris, Hunt, Johnson of Harrison. Keuchler, Lindsay, Lippard, Long, Mackey, McWashington, Mullins, Oaks, Patten, Pedigo, Phillips of San Augustine, Rogers, Schuetze, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Watrous, Williams—39.

Nays—Messrs. President, Bell, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Constant, Curtis, Degener, Flanagan, W. Flanagan, Fleming, Goddin, Gray, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, McCormick, Morse, Muckleroy, Mundine, Munroe, Newcomb, Phillips of Wharton, Posey, Ruby, Scott, Smith of Galveston, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—41.

So the Convention refused to adjourn.

[Mr. Evans, of McLennan, in the chair.]

On motion the Convention adjourned until to-morrow morning, at nine o'clock.

CAPITOL, AUSTIN, TEXAS.
JULY 25, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Lindsay moved that Mr. Mullins be indefinitely excused from attendance upon the Convention.

Leave granted.

Mr. Constant presented a protest from L. E. Stephenson, and ninety-nine others, against a new county being formed out of Fannin and Lamar counties.

Mr. McCormick, from the Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
July 25, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Contingent Expenses, to which was recommitted the resolution originally reported by said committee, in reference to the substantial recording of the journals of the Convention, and the substitute offered by Mr. Burnett, of Houston, and the motion to amend the substitute made by Mr. Thomas, of Collin, have again had the subject matter under consideration, and are of the opinion that the original resolution embraces all that is necessary or expedient for the Convention to do on the subject: that the price specified is adequate, but not excessive; that the work is such as falls naturally and almost necessarily within the duties of the Chief Secretary of the Convention, who is responsible, and must be so held for its proper execution; that it is not at all necessary, and hardly desirable, that it should be done currently with the sittings of the Convention; and, in the opinion of your committee, the Convention cannot consistently make it the duty of the Secretary to have this work done, and for a certain price, and then require him to transfer the work and pay to another man. The Convention has not provided for such an office as Recording Secretary; and, in the judgment of this committee, there exists no reason for making such an office.

I am, therefore, instructed to report it as the opinion of this committee that the original resolution reported from this committee should be passed, and they therefore report the same back, and recommend its passage.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary of the Convention be, and he is hereby authorized and required to have the journals of the Convention inscribed in a bound volume, such as is commonly used in recording deeds; and the said secretary shall receive the sum of twenty cents for every hundred words of said journals so inscribed, in addition to his per diem pay.

Mr. Burnett moved a suspension of rules, to take up report.

Lost.

Mr. Munroe, from the Committee on Division of the State, made the following report:

COMMITTEE ROOM,
July 25, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Division of the State, to which was referred the resolution reported from the Committee on Federal Relations, respecting the reliquishment by the State of political jurisdiction, and right of public domain over the county of El Paso, instruct me to report that this committee has now under consideration a declaration which contemplates a cession of the whole of the public domain of the State of Texas, as well as the relinquishment to the United States of the political jurisdiction of a portion of the State, embracing the county of El Paso; they, therefore, ask to be relieved from the further consideration of the above resolution.

A. T. MUNROE,
Chairman.

Mr. Whitmore, from the Committee on Lawlessness and Violence, made the following report:

COMMITTEE ROOM,
Austin, Texas, July 21, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The special Committee on Lawlessness and Violence respectfully present the following supplementary report:

It is, perhaps, due to ourselves to state that, in collecting evidence, no reference has been had to the political opinions of witnesses. The committee issued a circular summons to all the members of the Convention, so that all, without distinction of party, were requested to report on the lawlessness in their several districts; and it is for those who failed to obey that summons, to explain why they failed. They are certainly estopped from all right to denounce the labor of the committee as partizan in its character. We take pleasure in saying, however, that the Conservatives have testified before the Committee, and some of the most flagrant outrages embodied in our report were furnished by them.

In our report of the thirtieth ultimo, it was stated that Milton Biggs, a loyal man, was murdered in Blanco county last year. Subsequent investigation shows that Claiborne Biggs, the son, was murdered as described: that circumstances point to certain rebel outlaws as the murderers, and that the father and other members of the family understand that their lives are in danger, and have left the county for safety.

It was also stated in said report that the district clerk of Hunt county had been driven away on account of his loyalty. It is the clerk of the county court who has been thus exiled. The present clerk of the district court of that county is not a loyal man, and he is not compelled to leave. We would also state that Mr. Wade was murdered in Red River county instead of Lamar, as previously reported.

It is impossible at this time to give the number of murders up to the first of July. The reports of the Sub-Assistant Commissioners of the Freedmen's Bureau, for June, have not come in yet; and the complete reports of outrages in that month will not be made till the first of August. But from the few reports received, and from other authentic sources, we have collected ninety-six additional homicides. So that the statistics of homicides committed in Texas during the three years since the conclusion of the rebellion stand thus:

	Whites	Freedmen	Total
Killed in 1865	47	51	98
Killed in 1866	75	95	170
Killed in 1867	173	174	347
Killed in 1868	182	137	319
Year unknown	32	29	61
Race unknown	—	—	40
	509	486	1035

We have thus a grand total of 1035 homicides in three years, or 345 per year; and, estimating our population since June, 1865, at 800,000, we have one person killed out of every 2,026 of the whole population per year. We doubt very much if such a record of blood can be exhibited in any Christian or civilized State in the world in a time of peace. It has been stated in the papers that the homicides in New York during the year 1867 numbered forty-seven. If this be correct, there was one person killed out of every 80,000 of her whole population; and then in that year there were *forty times* as many homicides in Texas as in New York, according to the population of each. The eighth census of the United States, for the year 1860, reports for that year thirty-seven homicides and murders in New York, making one person killed out of every 104,000 of her whole population; so that Texas has averaged per year since the war *forty-five times* more homicides than New York did in 1860. We note also that, for fourteen murders in New York, there were three executions in 1860; whilst, for the one thousand in Texas since the war, there has been but one execution.

It should here be remembered, that in New York and other States in the North, every murder is accurately reported, while the figures here presented come far short of representing the actual number of murders in Texas during the time specified. We have kept scrupulously within the numbers presented to us, of which fact any candid man can satisfy himself by patiently examining all the data. We assert, too, that the reports usually relied on do not present all the homicides committed in the sections described by them. For example, from the ordinary sources of information we had reported only three homicides in Washington county since the first of December, 1867; but when a full report is obtained from that county, it gives sixteen in that time. Through the usual channels only two murders were reported in Tarrant county; whereas a more complete account gives fifteen. And so it is with other counties. Now when it is remembered that we have full reports from only about thirty of the one hundred and twenty-seven organized counties of the State, it becomes very evident that we have only a portion of the murders committed. It is proper to state further, that the reports which we call full do not profess to give complete accounts of the murders in the counties represented by them. Many of them positively state that they do not report all; and witnesses tell us of men disappearing mysteriously, and of dead bodies being discovered, hid away in ravines or floating down streams—of which cases no history is given.

We have never said that *all* of these murders were committed by rebels for political ends. In our previous report we distinctly stated that many of them were committed for purposes of plunder and robbery, and that many of them resulted from private quarrels. But what we insist on is, that many of the persons murdered were loyal, and that they were murdered for their loyalty. To substantiate this statement, we now present some cases of recent occurrence, not embraced in our former report:

In the counties of Collins and Hunt, five men, well known as sterling loyalists, were brutally murdered within the last two weeks by some rebel desperadoes. The Hon. A. O. Cooley, a worthy citizen of Gillespie county and a prominent Republican, was shot and wounded on the 10th inst., at home, by an assassin from a distant county. We also learn that W. H. Upton, a Union man, was hung by a mob on the 3d instant in Brazos county. Here there are six well known Unionists murdered, and the life of another attempted —all in the present month. Some time ago, this year, the Rev. Joshua Johnson, an excellent citizen of Titus county, and against whom nothing can be said by anybody, unless it be that he has always been true to his country, was driven from his home and the State by rebel intolerance. It is now a matter of general notoriety that loyal men in various parts of the State are receiving notices to leave, threatening them with death and the burning of their homes if they do not fly. It is equally notorious that great alarm prevails among the Union men in many localities, and many of them are abandoning their homes for their lives. We also state it as a fact, that honorable members of this body are in receipt of letters from those who love them, from wives and children, informing them of threats to take their lives, and imploring them not to return home. And we say further, that the families of at least two of the delegates on this floor have been forced away from their homes by rebel proscription since the meeting of this Convention.

Now, these are all undeniable facts, and they certainly justify the affirmation that many of the persons killed in Texas are killed for their loyalty. It is an easy matter when a Union man is murdered to start the cry of "thief" or "Indians," and to get credulous people to believe it; but this hypocrisy only serves to expose the guilty to the minds of reflecting men, and cannot change the fact that loyal men are murdered by rebels.

And we are constrained to add, that it is by no means significant of good, that whilst Union men are falling at the hands of paroled prisoners of war, there are those who not only deny the fact, but accuse those as slanderers who attempt to reveal and arrest this alarming march of crime. Certainly the first step towards providing a remedy is to ascertain the extent and the nature of the evil; and we cannot understand how any friend of mankind, or of Texas, can oppose an examination into the abounding violence in the State, or attempt to conceal the same from public view. It is doubtless true that a ventilation of the social disorder in Texas will deter many good people in other States and countries from coming here. But this is already the case. Capital and immigration turn away from our State as a land of violence; whilst good and loyal citizens are forsaking us in large numbers. We have evidence that between eight and nine hundred loyal families, within a territory of twenty-five or thirty counties, are now leaving the State on account of the persecutions they have suffered from lawless men. Texas is to-day undergoing a process of depopulation, at least as to her truest and best citizens. And while this is going on, the lawless and the outlawed in other States are flocking within our limits. Some of the leaders in the unlawful organizations alluded to in our previous report are fugitives from other States. These desperadoes seem to understand that Texas presents a promising field for their operations, and that they will here meet with sympathy and with apologists in high places; and in proof of this statement we appeal to the following facts: 1. This alarming amount of crime is persistently denied in certain quarters; 2. It is unequivocally avowed in the same circles that this shedding of blood must continue till the Republican party surrenders the reins of government and the advocacy of colored suffrage is abandoned. In other words, the disaffected in our State design to create and keep up a reign of terror till the loyal element in Texas is suppressed. The recent debates on the floor of this Convention furnish sufficient evidence on this point; and 3. Some of the Conservative papers of Texas openly counsel assassination. Not to mention indirect invitations to murder found in many of them, we refer now to the incendiary article in the Daily Telegraph of the 14th inst., wherein reference is made to lynch law and to the Hon. M. C. Hamilton and the Hon. C. Caldwell, and which concludes thus: "We say it solemnly, such men ought to die."

We have said nothing as yet, in this report, of the murdering of freedmen. We cannot present any adequate account of the atrocities perpetrated against them from day to day. We can only say that the bloody work goes on. A short time ago in Waco a white man, a stranger there, accosted a freedman, and asked him if he did not fear the Ku-Klux; and on being answered "no," said, "take that," and at the same time ripped open the bowels of the freedman with a knife. The unoffending victim lingered seventeen days and died. The assassin was bailed by his comrades and then left. Two worthy, industrious freedmen were brutally murdered in Falls county, on the 10th of this month, by seven white men, who stated at the same time that they intended to kill in like manner every negro who belonged to the Loyal League. Numerous instances of similar outrages are reported in various parts of the State by almost every mail. On the 4th of July the freed people of Jefferson attempted to celebrate the day, but were fired upon and dispersed by a mob of armed white men. And as an evidence of organization among the disloyal whites of that section, we mention that in half an hour after the first shot was fired about a thousand white men were under arms. The riot at Millican on the 15th and 16th inst. is yet unexplained, but all the accounts agree in stating that twenty-five or fifty freedmen were killed, while not a single white man was slain.

It is very probable that the negroes are sometimes culpable in these altercations, but we are persuaded that even then, generally, they are circumvented by their more crafty foes, who manage to place them in the wrong and goad them on to violence. This was the case in the Houston riot of last month. In that case, a freedman, a pet with the Conservatives, had shot another freedman. The disloyal police of the city pretended to arrest the criminal, and immediately the same night, let him go without any trial whatever. The freedmen, seeing this, resolved to arrest him themselves, and their effort to do so was interpreted at once by the whites as an insurrection.

We conclude by expressing it as our deliberate conviction, that unless relief, prompt and decided, is provided, not only will any constitution presented by this Convention be defeated, not only will elections be broken up or controlled by violence, but the loyal, law-abiding people of Texas will be hunted to death or driven into exile. We have it on Conservative testimony that in many localities an election could not now be held without military protection, that the lives of good loyal citizens are in danger, and that a loyalist could not travel through the State organizing loyal leagues without molestation.

All of which is respectfully submitted.

G. WHITMORE, Chairman,
A. BLEDSOE,
J. G. BELL,
F. W. SUMNER,
J. H. LIPPARD.

Mr. Cole, from the Committee on Lawlessness and Violence, made the following minority report:

Hon. E. J. DAVIS,
President of the Convention:

SIR: The undersigned, one of the Committee on Lawlessness and Violence, not doubting the figures as set forth in said committee's report of July 21, 1868, but admitting the same to be correct, would respectfully dissent from the conclusions as set forth by said committee, believing the majority of homicides and violence has not been committed on account of political differences, and asks that the dissenting report be spread on the journal of the Convention.

Respectfully submitted,
COLE, of Hopkins.

Mr. Hamilton, of Travis, offered the following resolution:

Resolved, That this Convention respectfully request Brevet Major-General J. J. Reynolds, commanding District of Texas, to select one or more commissioned officers under his command, as he may deem proper, to participate with the committee appointed by this Convention, in the investigation of the late disturbances at Millican.

Mr. Hamilton asked a suspension of the rules to allow consideration of the resolution.

Rules suspended.

Resolution read a second time and ordered to be engrossed.

Mr. Hamilton moved a further suspension of the rules to put the resolution on its passage.

Rules suspended.

Resolution read third time and passed.

Mr. Buffington offered the following resolution:

Resolved, That the investigation of the financial condition of the penitentiary be referred to the first Legislature after the adoption of the Constitution.

Resolved, 2. That the committee raised by this body for that purpose, be, and are hereby discharged from the further consideration of that subject.

Resolved, 3. That the chairman of that committee be required to return the books which he brought away from the penitentiary to the same.

Laid over one day under rules.

Mr. Wright offered the following resolution:

Resolved, That a committee of three be appointed by the President of this Convention, whose duty it shall be to examine into the business of the Land Office, and ascertain whether there are not a greater number of clerks and draftsmen employed in that office than are necessary; and if so, how many can be dispensed with.

Mr. Burnett moved the rejection of the resolution.

Convention refused to reject.

Mr. Whitmore offered the following resolution:

WHEREAS, It is the desire of the loyal people of Texas that the people of the United States be correctly informed of the social and political condition of the people of this State; therefore

Be it resolved by the delegates of the people of Texas in Convention assembled: That the Congress of the United States is hereby respectfully and most earnestly requested to send a committee of that honorable body into the State of Texas, to inquire into the condition of the State, to the end that the facts may be made known to the public in an authoritative manner, that the veracity of the loyal men and press of the State may be vindicated, that violence may be repressed and order restored throughout the State.

Mr. Whitmore moved a suspension of rules for the consideration of the resolution.

Rules suspended.

Resolution read second time and ordered to be engrossed.

Mr. Slaughter moved a further suspension of the rules to put resolution upon its passage.

Mr. Hamilton offered the following amendment:

Amend by striking out all after the word "manner."

Amendment agreed to.

The question recurring upon the adoption of the resolution as amended, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell. Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Degener, Downing, Evans of McLennan, Fayle, Fleming, Foster, Goddin, Grigsby Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison' Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—65.

Nays—Messrs. Armstrong of Jasper, Bellinger, Boyd, Cole, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Keigwin, Muckleroy—12.

So the resolution was adopted.

The President announced the business in order was upon the following substitute offered by Mr. Evans, of McLennan, to the report of the Committee on Internal Improvements:

DECLARATION

Providing for the sale of such railroads of this State as may be indebted to the School Fund:

SECTION 1. *Be it declared by the people of Texas in Convention assembled*, That the railroads within this State which are indebted to the School Fund, to-wit: the Buffalo Bayou, Brazos and Colorado railroad, the Washington County railroad, the Houston and Texas Central railroad, the Houston Tap and Brazoria railroad, the Southern Pacific railroad, and the Texas and New Orleans railroad, shall be sold by the Governor of the State, either at public auction or private sale, as he may order, to any company or individual that will, in the particular case, assume the entire debt that may be due from the said railroad sold, to the said School Fund; such sale shall be under the following terms and conditions:

The company or individual purchasing any of the railroads sold under this provision, to deposit in the Treasury of the State, at the time of such sale, the one-fourth part of such indebtedness, which said fourth part may be used, under the supervision of the Governor, in putting the railroad sold, in good running order, or in extending the same.

That the company or individual purchasing any of said railroads, under the provisions thereof, shall have a term of twenty years, within which to complete payment of the indebtedness to the School Fund: the payment to be made in equal semi-annual installments, with interest at six per cent. per annum, payable also semi-annually. That should any company or individual, who may purchase under the provisions hereof, fail to make any of the semi-annual payments, either of the amount of indebtedness to said School Fund, or of interest due, then the whole amount of such indebtedness and interest shall become due, and the railroad in possession of such company or individual, shall be again sold by the Governor, under the terms and conditions of this declaration.

Provided, That in making the first sale of any of the said railroads, as hereinbefore provided, the Governor shall give a preference to the company or individual at present owning the same.

Provided further, That should the Governor not be able to sell any of said railroads, under the terms and conditions of this declaration, then he may sell the same at public auction unconditionally, for such sums as may be offered for the same.

Provided further, That the indebtedness of said railroads, hereinbefore mentioned, is intended to include the total amount of principal and interest due from said railroads, without regard to any pretended payments made during the late rebellion, when such payments were made in any other currency than gold and silver.

The question recurring upon the adoption of the substitute, the yeas any nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bledsoe, Bryant of Harris, Butler, Burnett, Constant, Downing, Degener, Evans of McLennan, Fayle, Fleming, Foster, Goddin, Hunt, Jordan, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Munroe, Newcomb. Oaks, Patten, Phillips of San Augustine, Ruby, Scott, Slaughter, Smith, of Marion, Talbot, Thomas, Watrous, Whitmore, Williams Yarborough.—37.

Nays—Messrs. Adams, Armstrong, of Jasper, Bell, Bellinger, Board. Boyd, Bryant, of Grayson, Buffington, Carter, Cole, Coleman, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Gray. Grigsby, Hamilton, of Travis, Harris, Harn, Horne, Johnson, of Calhoun, Kealy, Keigwin, Mackey, McCormick, McWashington, Morse, Muckleroy. Mullins, Mundine, Pedigo, Phillips, of Wharton, Rogers, Schuetze, Smith, of Galveston, Stockbridge, Varnell, Wilson, of Brazoria, Wilson, of Milam, Wright,—42.

So the Convention refused to adopt the substitute.

Mr. Lindsay offered the following substitute:

Be it declared by the people of Texas in Convention assembled: That the Provisional Governor is hereby requested to examine into the condition and affairs of the several railroad companies in the State, which are indebted to the School Fund; and if, after such enquiry and examination into their condition and circumstances, he shall be of opinion that that portion of the school fund loaned to said railroad companies, together with the interest accrued, and now due thereon, is insecure, and likely to be lost by any delay in action, he is hereby requested to adopt such measures under the provisions of the law now in force, as in his judgment will prevent its total or partial loss.

On motion the Convention adjourned until Monday morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
July 27, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The President instructed the Secretary to read the following communications from General Buchanan:

HEADQUARTERS FIFTH MILITARY DISTRICT,
OFFICE OF SECRETARY FOR CIVIL AFFAIRS,
New Orleans, La., July 21, 1868.

Hon. E. J. DAVIS,
President Texas Constitutional Convention:

SIR: I am instructed by the Commanding General to acknowledge the receipt of your communication of the tenth instant, with enclosure, and, in reply thereto, to inform you that the resolution of the Convention adopted on the twenty-third day of June, 1868, appropriating "fifteen thousand ($15,000) dollars, or so much thereof as may be sufficient, to pay the unsettled balance due the civil officers of the State of Texas appointed by Governor A. J. Hamilton," having been considered by the Commanding General, is, for the following reasons, respectfully returned to the Convention without the approval asked for.

First. He is unable to find, in the reconstruction act of Congress, under which the Convention assembled, anything which authorizes it to appropriate the moneys of the State for the purpose specified in said "declaration."

Second. This is properly a subject for legislation, and should be left to the consideration of State Legislature.

I am, sir,
Very respectfully,
Your obedient servant,
B. B. KEELER,
Brevet Major U. S. A.,
Secretary Civil Affairs.

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., July 21, 1868.

Hon. E. J. DAVIS,
President Texas Constitutional Convention,
Austin, Texas:

SIR: The following "declaration" of the Texas Constitutional Convention of the second of July, 1863, to-wit:

That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and that the same be placed at the disposal of the Governor of Texas, to enable him to offer suitable rewards for the arrest and apprehension of such desperadoes, and to employ detectives to ferret out their hiding places, and that this resolution be forwarded to the Commanding General of the Fifth Military District, for approval; *provided*, that no part of the same shall be used unless the Military Commander of the District of Texas shall first be authorized to organize military commissions for the trial of offenders," having been submitted to the Commanding General of the Fifth Military District for his approval, is, for the following reasons, respectfully returned to said Convention without the approval asked for.

First. He is unable to find in the reconstruction act of Congress, under which the Convention assembled, anything which authorizes it to appropriate the moneys of the State for the purpose specified in said "declaration."

Second. This is properly a subject for legislation, and should be left to the consideration of the State Legislature.

Third. The declaration appropriates twenty-five thousand dollars ($25,000) to be used as above stated, with a proviso with reference to military commissions, which its author doubtless intended as a gratuitous indignity to the Commanding General of the Military District, by coupling it with conditions intended to reflect discreditably upon his administration of its civil affairs.

With the display of such a spirit on the part of the Convention, the approval, by the Commanding General, of an act which equally violates the reconstruction act under which it was convened and the object for which it was assembled, can hardly be expected.

I am, sir,
Very respectfully,
Your obedient servant,
B. B. KEELER,
Brevet Major U. S. A.,
Secretary Civil Affairs.

Mr. Lindsay offered the following resolution, and moved that the rules be suspended to take up resolution.

Resolved by the Convention, That the use of this hall be tendered to Judge G. W. Paschal, at 7:30 P. M., on the evening of Tuesday, the twenty-eighth instant, for the purpose of delivering an address which he proposes to make, on the adoption of the Fourteenth article of the Constitution of the United States.

Rules suspended, and resolution adopted.

Mr. Kuechler introduced a petition from citizens of Gillespie county, praying that the town of Fredericksburg be incorporated as a city.

Referred to Committee on Counties and County Boundaries.

Mr. Hunt, from the Committee on State Affairs, made the following report:

COMMITTEE ROOM,
Austin, Texas, July 27, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on State Affairs have had under consideration the declaration presented by Hon. Mr. Ruby, embracing a plan for the police regulations of the city of Galveston. A majority of the committee instruct me to report the same back to the Convention with the request that it be not adopted.

H. C. HUNT,
Chairman pro tem.

Mr. Pedigo, from the Committee on Political Disabilities, made the following report:

COMMITTEE ROOM,
Austin, Texas, July 24, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Special Committee on Political Disabilities, to whom was recommitted a resolution and, also, a memorial (the latter intended to be addressed by this Convention to the Congress of the United States), have had the same under consideration, and a majority of the committee have instructed me to report back to the Convention said resolution without alteration, and to report back said memorial with the recommendation that in lieu and stead of the names therein inserted, there be inserted all the names which appear on documents marked "A" and "B," which are hereby transmitted as part of this report, and to recommend to the Convention that the resolution and memorial so amended be adopted.

All names, it will be observed, which appear on the printed list of those to be recommended by the committee for Congressional relief appear in documents A and B; in addition to which a few others proper to be relieved, not, it is believed, exceeding ten or twelve in number, have been placed on this list since the printed list was furnished.

It will be observed, by examination of documents A and B, that the committee have acted in accordance with the requirements of a resolution of the Convention, in presenting the name of the member of the Convention who recommends or vouches for any person to be relieved, along with the name of the latter. One or two deviations from this rule only occur, which are explained by the fact that this precaution not having been observed in making out the original list, it was found impossible to ascertain, in one or two cases, which one of several absent members of the Convention had recommended to the committee the name sought to be presented for relief. Your committee would further suggest, that they are satisfied that Congressional relief might well be extended, and that the interests of the State require that it should be extended to all persons whose names appear upon the list presented.

All of which is respectfully submitted.

H. C. PEDIGO,
Chairman.

LIST OF NAMES

Recommended to the Convention by the Committee on Political Disabilities, for petition to Congress for the removal of such disabilities, together with the names of those representing the applicants.

Document A.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Bexar	Thomas H. Stribling	J. P. Newcomb.
do	F. Simons	do
do	E. Mandragon	do
do	J. M. Chaves	do
do	Malcomb G. Anderson	do
do	Louis York	do
do	Joseph Schmidt	do
do	F. G. Anderson	do
do	A. Ditmar	do
do	John A. Cocke	do
do	Antonio Seguin	do
do	A. Moye	do
do	Charles Listich	do
do	Julius Hojer	do
do	P. J. Biesenbach	do
do	Louis Huth	do
do	Christopher Rhodius	do
do	A. Siemering	do
do	A. Sartor	do
do	George Noel	do
Blanco	Wm. E. Jones	do
do	J. W. Herrman	do
Medina	George H. Wadman	do
do	John R. Shook	do
do	H. J. Richarry	do
do	Joseph Kempf	do
do	Valentine Vollmer	do
do	Blassius Keiffer	do
do	Joseph Wipff	do
do	Michael Wipff	do
do	Leopold Schuetze	do
Gillespie	H. Bierschwall	do

Document A—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Gillespie	A. O. Cooley	J. P. Newcomb.
do	J. W. Wilson	do
do	Christian Kolthe	do
do	John Sansom	do
do	Jacob Keuchler	do
do	Julius Schuchard	do
do	Henry Ochz	do
do	C. Wehmeyer	do
do	Albert Molsberger	do
do	Carl Weirich	do
do	Wm. Luckenbach	do
do	Anton Maier	do
do	John J. Klingelhofer	do
do	Jacob Luckenback	do
Kendall	Wm. Kuhfuss	do
do	H. W. Popperwein	do
do	G. Topperwein	do
do	Charles Cole	do
do	August Staffel	do
do	Otto Brinkmann	do
do	Joseph Kewbrough	do
do	S. C. Nowlin	do
do	E. O. Kriegner	do
do	Adolf Rosenthal	do
do	August Faltin	do
do	W. Henermann	do
Comal	Emil Von Stein	do
do	George Weber	do
do	G. Ph. Harlos	do
do	Hubert Lux	do
do	Julius Reich	do
do	Charles Floege	do
do	David Elze	do
do	John J. Meyer	do
do	Nichlaus Holz	do
do	Gaston Bodemann	do
do	H. Gunther	do
do	Casimire Prutorfaud	do
do	John W. Crawford	do

Document A—Concluded.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Comal	Fr. Schulz	J. P. Newcomb.
do	Julius Rennert	do
do	Carl Neuse	do
do	Silvester Simon	do
do	Peter Haag	do
do	Fritz Heidemeyer	do
do	Albrecht Kuhne	do
do	Theodore Disselhorst	do
do	August Schulz	do
do	Bernard Kunn	do
do	Carl Schaefer	do
do	John Schneider	do
do	Heinrich Weil	do
do	Charles Esser	do
do	Carl Wallheefer	do
do	Ernst Grune	do
do	H. Kretzmeyer	do
do	August Reeb	do
do	Julius Voelker	do
do	Dr. Wm. Remer	do
Travis	Geo. Jastus Theilepapee	do

LIST OF NAMES

Recommended to the Convention by the Committee on Political Disabilities, for petition to Congress for the removal of such disabilities, together with the names of those representing the applicants.

Document B.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Austin	J. G. Bell	Bell
do	B. L. Cheek	do
do	F. Palm	do
do	A. Regan Bracht	do
do	F. A. Englekee	do
do	H. Miller	do

Document B—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Austin	Marks Miasneer	Bell.
Blanco	J. W. Herman	Newcomb
Bell	X. B. Saunders	Judge Evans
Bexar	Isaac Newton	Gen Hamilton
do	G. Schleicher	do
do	L. Friesleben	do
do	Thomas H. Stribling	Newcomb and Degener
do	F. Simon	do
do	E. Mondragon	do
do	J. M. Chaves	do
do	Malcom G. Anderson	do
do	Louis Zork	do
do	Joseph Schmidt	do
do	T. G. Anderson	do
do	A. Dittmar	do
do	John A. Cocke	do
do	Antonio Seguin	do
do	A. Moye	do
do	Chas. Listich	do
do	A. Siemering	do
do	A. Sartor	do
do	Geo. Noel	do
do	Julius Hoyer	do
do	P. J. Biesenbach	do
do	Louis Huth	do
do	Christopher Rhodius	do
Bosque	S. S. Nichols	A. Downing
do	L. H. Crutchfield	do
do	Ole Canutson	do
do	F. C. Claybough	do
Brazoria	A. P. McCormick	Pedigo and Phillips
do	Erwin Wilson	E. M. Pease
Brazos	H. J. Jones	Buffington and Brown
Bee	Noah C. Webster	Gen Davis

Document B—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Burleson	Landy Shumake	Mundine
do	John H. McClanahan	Mundine
Caldwell	John B. McMahan	Mackey
do	H. M. Dougherty	do
do	James M. Glenn	do
Calhoun	J. R. McCreary	Varnell and Johnson
Cameron	R. B. Kingsbury	Gen. Davis
do	F. Cummings	do
Cass	Wm. Henderson, Jr.	Caldwell and Gray
Cherokee	M. Priest	Whitmore
do	C. P. Nail	do
do	V. H. Moody	do
do	Isaac Hill	do
do	Daniel Henderson	do
do	H. B. Stephens	do
Colin	A. L. Darnell	Thomas
do	W. H. Andrews	do
do	J. B. Rogers	do
do	Jacob Routh	do
Colorado	George McCormick	Foster
do	Don F. Payne	do
do	J. B. Leyendecker	do
do	Alexander Lookup	do
do	E. Walker	do
do	John Collier	do
do	Ridder Walker	Gov. Pease
Comal	Emil Von Stein	Newcomb
do	George Weber	do
do	G. Ph. Harlos	do
do	Hubert Lux	do
do	Julius Reich	do
do	Charles Flœge	do
do	David Elze	do

Document B—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Comal	John J. Meyer	Newcomb
do	Nicholaus Holz	do
do	Gustav Bodeman	do
do	H. Guenther	do
do	Casimire Prutorfand	do
do	John W. Crawford	do
do	Fr. Schulz	do
do	Julius Rennert	do
do	Carl Neuse	do
do	Silvester Simon	do
do	Peter Haag	do
do	Fritz Heidemeyer	do
do	Albrecht Kuhne	do
do	Theodor Disselhorst	do
do	August Schulz	do
do	Bernard Kuenn	do
do	Carl Schæfer	do
do	John Schneider	do
do	Heinrich Weil	do
do	Charles Esser	do
do	Carl Wallhœfer	do
do	Ernst Gruene	do
do	H. Kretzmeyer	do
do	August Reeb	do
do	Julius Vœlker	do
do	Dr. Wm. Remer	do
Coryell	J. H. Christmans	Evans
Chambers	Solomon Wallace	Pedigo
Dallas	J. K. P. Record	Bledsoe
do	G. W. Guess	do
do	Archibald Cochran	do
do	John Chapman	do
do	Ancel Dowdy	do
do	Stephen C. Atterbury	do
do	W. A. Bledsoe	do
do	Gabriel Samuel	do
do	Clement Gore	do
do	Frank Porter	do

Document B—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Denton	Joseph Minor	Thomas and Kealy
do	Thomas M. Smith	do
DeWitt	Thomas C. Smith	Varnell
do	Hugh B. Boston	Bellinger
Falls	S. W. Ford	Oaks and Evans
do	A. G. Perry	Buffington
Fannin	Robert H. Taylor	Armstrong
do	Benjamin Saunders	do
do	R. S. Hunt	do
do	S. J. Galbraith	do
do	D. M. Merriser	do
do	T. W. Baird	do
do	A. G. Stobaugh	do
Fayette	Robert Zapp	Lindsay
do	Hamilton Ledbetter	do
do	A. G. Ledbetter	do
Galveston	A. P. Wiley	Pedigo and Fayle
do	Jas. M. Petterson	do
do	John N. Reid	Dr. R. K. Smith
Gillespie	H. Bierschwall	Newcomb
do	O. A. O. Cooley	do
do	J. W. Wilson	do
do	Christian Kolthe	do
do	John Sansom	do
do	Jacob Kuechler	do
do	Julius Schuchard	do
do	Henry Ochs	do
do	C. Wehmeyer	do
do	Albert Molsberger	do
do	Carl Weirich	do
do	Wm. Luckenbach	do
do	Anton Meier	do
do	John J. Klingelhofer	do
do	Jacob Luchenbach	do
do	Leopold Schultz	do
Gonzales	Robert L. Miller	Bellinger

Document B—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Gonzales	Wm. J. Sterling	Rellinger
do	C. P. Hopkins	do
do	Green Lackey	do
Grayson	A. M. Bryant	Bryant
do	B. W. Bradley	do
do	J. Bostick	do
do	George W. Hobson	do
do	J. B. Morgan	do
Grimes	George M. Patrick	Buffington
do	G. W. Mooring	do
do	Franklin Brigance	do
do	John H. Wilson	do
do	Orville B. Caldwell	do
do	C. C. Binkley	do
do	W. E. Durst	Harn
Guadalupe	Leonard Ilsley	Bellinger and Mackey
do	Wm. Stein	do
do	Henry Maney	do
do	John F. Gordon	Vaughan
do	A. J. Fry	do
Hardin	William Hooks	Pedigo
do	Hampton Herrington	do
do	Stacey Collins	do
do	William Word	do
Harris	A. J. Burke, Jr	Fayle and Caldwell
do	J. C. Winch	do
do	A. M. Kleiber	do
do	Wm. A. Daly	do
do	James Burke	do
Harrison	James T. Taylor	Board
do	Joseph Mason	do
do	Edward P. Gregg	do
do	A. D. Lister	do
do	E. J. Rogers	do
do	Wm. M. Johnson	do

Document B— Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Harrison	Dr. Wm. C. Swanson	Board
do	Joseph M. Taylor	do
do	Silas G. Alexander	do
do	Wm. Woodson	do
do	Charles A. Frazer	do
do	C. C. Coppedge	do
Hays	Abram B. Pedigo	H. C. Pedigo
Henderson	P. P. Tannahill	Adams, Brown, Whitmore
do	W. R. Foulk	do
do	James Lapead	do
do	P. T. Adams	do
do	Jeff. E. Thompson	do
do	Albert T. Rice	do
Hill	Harvey Young	Lippard
do	C. N. Brooks	do
Houston	John Blair	Munroe
do	Riley J. Blair	do
do	Jacob Albright	do
do	Mark Miller	do
Jackson	A. P. Dodd	Varnell
Jaspar	R. C. Doom	Armstrong
do	Andrew J. Smythe	Pedigo
Jefferson	Wm. Lewis	Armstrong
do	John J. Herring	do
do	George W. O'Bryan	do
do	Henry C. L. Keith	do
do	Robert H. Leonard	do
do	Isaiah Junker	do
Karnes	James W. Campbell	Gen. Davis
Kaufman	T. J. Stanley	Brown
do	C. C. Nash	do
do	J. W. Johnson	do

Document B—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Kaufman	Richard Johnson	Brown
do	Green J. Clark	do
Kendall	William E. Jones	Gen. Hamilton.
do	John W. Sansom	do
do	Wm. Kuhfuss	Newcomb
do	H. W. Popperwein	do
do	G. Topperwein	do
do	Charles Cole	do
do	August Stoffel	do
do	Otto Brinkman	do
do	Joseph Kewbrough	do
do	S. C. Nowlin	do
do	E. O. Kriegner	do
do	Adolf Rosenthal	do
do	August Faltin	do
do	W. Heuermann	do
Lamar	William H. Johnson	Armstrong
Lampasas	William B. Pace	Judge Evans
Lavaca	James Walker	Posey
do	C. Ballard	do
do	Alanson York	do
Leon	Alfred S. Gardener	Keigwin
do	William Miller	do
do	William D. Wood	do
do	D. McD. Barkley	do
do	D C. Carrington	do
do	A. J. Wood	do
do	Thomas McWaters	do
do	R. B. King	do
do	Wm. Johnson	do
do	Samuel Hannah	do
Liberty	Jesse D. Lum	Pedigo
do	James G. Minter	do
do	James Wrigley	do

Document B.—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Limestone	W. O. Reves	Lippard
Live Oak	Matthew Rivelin	Gen. Davis
do	Josiah Hinton	do
McLennan	C. B. Way	Judge Evans
do	James F. Davis	do
do	Samuel R. Evans	do
do	T. Douglas Rock	Pedigo
Madison	F. W. Harms	Buffington
Matagorda	D. E. E. Braman	Phillips
do	Wm. H. Burkhart	do
Marion	Sam. F. Mosely	Judge Caldwell
Medina	George H. Noonan	Newcomb
do	John R. Shook	do
do	H. J. Richards	do
do	Joseph Kempf	do
do	Valentine Vollmer	do
do	Blassius Keiffer	do
do	Joseph Wipff	do
do	Michael Wipff	do
Milam	John A. Buckholtz	Mundine
Montgomery	John E. George	McWashington
Nacogdoches	Jesse Muckleroy	Flanagan and Muckleroy
do	F. J. Moore	do
do	Bennett Blake	Flanagan and Flanagan
do	Jesse P. Bruten	do
do	Ambrose S. Crane	do
do	David Muckleroy, Jr.	do
do	George W. Davis	do
do	Samuel H. Hamel	do
do	F. Beyt	do
do	Moses L. Patton	do
do	Ezekiel Brown	do

Document B—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Nacogdoches	Matt Burke	Flanagan and Flanagan
Navarro	Daniel Hartzell	Lippard
Nueces	H. Taylor	Gen. Davis
do	Process Hoffman	do
do	T. S. Parker	do
do	John Rellett	do
Panola	Joseph L. Harris	Board and Flanagan
do	J. R. Williams	do
do	Wm. W. Butler	do
do	G. L. Dukes	do
do	J. S. Hanson	do
do	Thomas G. Ellison	do
Polk	James M. Crossen	Pedigo
do	J. Douglass Brown	do
do	J. C. McKinnen	Goddin
do	O. M. Wheeler	do
do	W. B. Darby	do
do	C. C. Dunham	do
Red River	B. W. Gray	Gray and Fleming
do	William H. Fleming	do
do	Nathaniel W. Towns	do
do	Mark F. Caudle	do
do	Clement Dixon	do
do	Henry M. Gains	do
do	D. H. Bearden	do
do	Wiley W. Giddons	Armstrong
do	J. L. Riddle	do
do	John H. Beaty	do
do	John A. Bagby	do
do	Wm. A. Ellet	do
do	J. L. Carroll	do
Rusk	Ben Smither	Flanagan and W. Flanagan
do	C. B. Matlock	do
do	George Brown	do
do	H. F. Nelson	do
do	A. G. Galloway	do

Document B—Continued.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Rusk	J. H. Nelms	Flanagan and W. Flanagan
do	B. C. H. Johnson	do
do	O. H. Moody	do
do	H. F. Carter	do
do	S. G. Swan	do
do	Wm. W. Morris	do
do	Thompson Camp	do
do	William Hays	do
do	Bennett Boggess	do
do	A. J. Smith	do
do	James McBride	do
do	J. M. Draper	do
do	D. P. Preston	do
do	J. W. Little	do
do	Charles Fox	do
do	Wiley Harris	do
do	James Harper	do
do	Thomas A. Brown	do
do	Wm. H. Estell	do
do	Wm. Miller	do
do	James R. Armstrong	do
do	James Mayfield	do
do	Thomas Mayfield	do
do	Wm. N. Henson	do
do	James M. Barton	do
do	John Mansinger	do
San Augustine	Wm. W. Wallace	Phillips
do	Francis H. Dixon	do
San Patricio	John Ryan	Gen. Davis
Shelby	Martin M. Wheeler	Pedigo
Titus	Joshua Johnson	
Travis	Hon James H. Bell	Gen. Hamilton
do	Isaac B. McFarland	do
do	J. B. Copes	do
do	Ashford B. McGill	do
do	Anderson J. Harrell	do

Document B—Concluded.

COUNTIES.	PERSONS RECOMMENDED.	BY WHOM.
Travis	T. C. Collins	Gen. Hamilton
do	L. H. Luckett	do
do	Frank Brown	do
do	George J. Thielepape	Newcomb
Tyler	Jeremiah Harrison	Pedigo
do	William T. Hyde	do
Van Zandt	James Moore	Brown
do	W. Manning	do
Victoria	John A. Cunningham	Varnell
do	Thomas Stern	do
do	H. E. Bradford	do
do	E. A. Hendsaldt	do
do	C. G. Hall	do
Washington	S. S. Hoesa	Stockbridge
do	E. B. Tarver	do
do	J. D. McAdoo	do
do	T. A. Baber	do
do	John Sayles	do
Wharton	Wm. J. Phillips	Phillips
do	James G. Hunt	do
do	W. J. Clayton	do
do	J. Rust	do
Wood	Perry Taylor	Yarboroug
do	Lewis Taylor	do
do	Thomas Allred	do
do	Ambrose Fitzgerald	do
do	C. H. Haynes	do

Mr. Hamilton introduced the following resolution:

Resolved, that this Convention will not, after this date, take any further numbers of the newspapers called the San Antonio Free Press.

Mr. Mills moved that the rules be suspended to take up resolution.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Board, Degener, Flanagan, W. Flanagan, Gaston, Glenn, Gray, Grigsby, Hamilton, of Travis, Harn, Horne, Johnson, of Calhoun, Jordan, Keigwin, Lindsay, Mackey, McWashington, Morse, Mullins, Mundine, Munroe, Posey, Schuetze, Scott, Smith, of Galveston, Sumner, Varnell, Wilson, of Brazoria.—30.

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Board, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Curtis, Evans, of McLennan, Fayle, Foster, Goddin, Harris, Hunt, Johnson, of Harrison, Kealy, Kendal, Kuechler, Leib, Lippard, Long, McCormick, Oaks, Patten, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Ruby, Slaughter, Smith, of Marion, Thomas, Vaughan, Watrous, Whitmore, Wilson, of Milam, Wright, Yarborough—44.

So the Convention refused to suspend the rules.

The President announced the order of the day to be the report of the Executive Department, as reported from Committee of the Whole, July 23d, 1868.*

Mr. McCormick moved that the reading of the report be dispensed with.

Carried.

Mr. Hamilton of Travis, moved that each section be read and adopted *seriatim.*

Carried.

Mr. Varnell offered the following amendment to section 4.

In line three, strike out word "three" and insert "five."

Mr. Degener moved to lay the amendment upon the table.

Upon which the yeas and nays were called and resulted thus:

Yeas—Messrs. President, Bell, Bledsoe, Brown, Bryant, of Harris, Butler, Carter, Coleman, Constant, Curtis, Degener, Fayle, Foster, Grigsby, Hamilton, of Travis, Hunt, Johnson of Harris, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, McCormick, Munroe, Newcomb, Oaks, Patten, Phillips, of San Augustine, Rogers, Ruby, Schuetze, Smith, of Marion, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson, of Milam, Wright, Yarborough—45.

Nays—Messrs. Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bellinger, Board, Bryant, of Grayson, Buffington, Cole, Evans, of McLennan, Flanagan, W. Flanagan, Fleming, Gaston, Goddin, Harris, Harn, Horne, Johnson, of Calhoun, Jordan, Keigwin, Mills, Morse, Muckleroy, Mundine, Phillips, of Wharton, Posey, Scott, Varnell—28.

---

* For this report see page 477.

So the amendment was laid upon the table.

Mr. Degener moved that the word, "three" in third line of section 4, be stricken out and "one" inserted.

Mr. Flanagan moved the previous question, upon the adoption of section 4.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bledsoe, Board, Brown, Bryant, of Grayson, Buffington, Cole, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Gray, Hamilton, of Travis, Harris, Harn, Horne, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Lindsay, Mackey, Mills, Morse, Muckleroy, Mundine, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Scott, Smith, of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Wright, Yarborough—41.

Nays—Messrs. President, Bell, Bellinger, Boyd, Bryant, of Harris, Butler, Carter, Coleman, Constant, Curtis, Degener, Evans, of McLennan, Foster, Goddin, Grigsby, Hunt, Johnson, of Harrison, Kendal, Kuechler, Leib, Lippard, Long, McCormick, Munroe, Newcomb, Oaks, Patten, Pedigo, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria—36.

So the main question was ordered.

The question recurring upon the second reading of section four, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Carter, Cole, Coleman, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Gray, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Leib, Mackey, Mills, Morse, Muckleroy, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Slaughter, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Williams, Wright, Yarborough—48.

Nays—Messrs. President, Bell, Bellinger, Bryant of Harris, Butler, Constant, Curtis, Degener, Evans of McLennan, Fayle, Foster, Goddin, Hunt, Kendal, Kuechler, Lindsay, Lippard, Long, McCormick, Mundine, Munroe, Newcomb, Patten, Ruby, Schuetze, Smith of Marion, Sumner, Talbot, Watrous, Whitmore, Wilson of Brazoria—31.

So the section was agreed to.

Mr. Hamilton of Travis, moved to reconsider the vote, by which the substitute offered by Mr. Evans of McLennan, to the report of the Committee on Internal Improvements was rejected.

Mr. Degener offered the following amendment.

"And he shall have the use of a house and furniture at the capital."

The Convention refused to adopt the amendment.

Mr. Hamilton of Travis, offered the following amendment.

"Exclusive of the use and occupation of the Governor's mansion, fixtures and furniture."

Adopted.

Mr. Armstrong offered the following amendment:

Strike out, "$5000," and insert "$4000."

Mr. Butler moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Butler, Carter, Coleman, Constant, Curtis, Degener, Fayle, Flanagan, Fleming, Foster, Gray, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, McCormick, McWashington, Mills, Muckleroy, Munroe, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright.—59.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Brown, Cole, Evans of McLennan, W. Flanagan, Gaston, Glenn, Goddin, Harn, Kealy, Morse, Mundine, Phillips of San Augustine, Scott, Thomas, Varnell, Yarborough—18.

So the amendment was laid on the table.

Mr. Slaughter offered the following amendment:

Strike out, "$5000" and insert "$6000."

The question recurring upon the adoption of the amendment, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Butler, Coleman, Degener, Foster, Gray, Harris, Hunt, Kuechler, Newcomb, Schuetze, Slaughter, Wilson of Brazoria—13.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant, of Grayson, Bryant, of Harris, Buffington, Carter, Cole, Curtis, Evans, of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Goddin, Grigsby, Hamilton, of Travis, Harn, Horne, Johnson, of Harrison, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWash-

34

ington, Mills. Morse, Muckleroy, Mundine, Munroe, Oaks, Patten, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore. Williams, Wilson, of Milam, Wright, Yarborough—67.

So the Convention refused to adopt the amendment.

Mr. Degener moved the previous question, upon the adoption of the section.

Previous question seconded.

The question recurring, "shall the main question be now put?"

The main question was ordered.

The question recurring upon the adoption of section five, as amended,

It was adopted.

Mr. Evans of McLennan, offered the following amendment:

To section 7, strike out the entire section after the word "officers' in line two.

On motion the Convention adjourned until to-morrow morning, at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 28, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Goddin presented a petition from citizens of Polk, Walker and Montgomery counties, praying for the formation of a new county, to be called San Jacinto.

On motion the petition was referred to the Committee on Counties and County Boundaries.

Mr. Lippard presented a petition from the citizens of Hill county, praying that Achilles Foster, formerly Assessor and Collector of Hill county, be relieved from paying four hundred and five dollars of the public funds, stated to have been stolen out of a registered letter.

On motion the petition was referred to the Committee on Counties and County Boundaries.

Mr. Degener presented a petition for the incorporation of the Germania Club of San Antonio.

Reading was dispensed with, and on motion the petition was referred to the Committee on State Affairs.

Mr. Fayle, from the Committee on Enrolled Bills, reported resolutions from twenty-five to thirty as correctly enrolled.

Mr. Whitmore, from the Committee on General Provisions, made the following reports:

COMMITTEE ROOM,
Austin, July 27, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions, to whom was referred a declaration by Mr. Smith of Galveston, dissolving the marital relations existing between Henry Rodefeld and his wife, Catherine Cordes, with a petition of the said Henry Rodefeld and the evidence of the insanity of the said Catherine Cordes, have had the same under consideration, and after a careful examination of the same, direct me to report back the said declaration with a recommendation that the said declaration do pass, and that the prayer contained in the said petition of the said Henry Rodefeld be granted.

The Committee are of the opinion that the Convention should make a provision authorizing the Legislature to provide relief to such cases.

G. W. WHITMORE,
Chairman Com. on General Provisions.

COMMITTEE ROOM,
Austin, July 27, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions direct me to report the following additional sections, to be a part of the Constitution, under the head of General Provisions:

G. W. WHITMORE,
Chairman Com. on General Provisions.

ARTICLE XLVI.

SEC. —. All marriages solemnized or had among free persons of color whilst in bondage, according to the rites existing among said persons, are hereby declared to be legal and binding, and are hereby made valid, and all children born of said marriages are declared legitimate for all purposes.

SEC. 47. That any person who may kill any reasonable creature in being, unless the killing shall be in aid or execution of the law, shall be forever disqualified from holding any office of profit or trust in this State, unless such person shall be relieved therefrom by a vote of two-thirds of the Legislature of this State.

SEC. 48. No person shall practice medicine or surgery in this State unless such person shall first have obtained a diploma from some chartered medical college, and the Legislature shall provide to secure to the people this protection.

SEC. 49. That the Legislature shall provide by law for the issuance of license to druggists and apothecaries, upon the production of evidence that they are skilled and educated in the profession.

SEC. 50. Each county in the State shall provide, in such manner as may be prescribed by law, a Manual Labor Poor House, for taking care of, managing, employing and supplying the wants of its own indigent and poor inhabitants; and under such regulations as the Legislature may direct, all persons committing petty offences in the county may be committed to such Manual Labor Poor House for correction and employment.

SEC. 51. That suits may be brought against the State, and it shall be the duty of the Legislature, at the first session thereof after the adoption of this Constitution, to prescribe by law what courts and in what manner, suits against the State may be brought.

COMMITTEE ROOM,
Austin, July 27, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions direct me to report back to the Convention the following resolutions and declarations, with a recommendation that they do not pass:

Declarations of Mr. Harn, of Grimes, dated as follows: July 9, 13, 15 and 17.

Declarations by Mr. Jordan, of Goliad, dated as follows: July 10 and 17.

Declaration by Mr. Bryant, of Harris, dated July 17.

Declaration by Mr. Watrous, of Washington, dated July 11.

Declaration by Mr. Munroe, of Houston, dated July 9.

Declaration by Mr. Williams, of Colorado, dated July 18.

The Committee are of opinion that the matters and things contained and set forth in the above and foregoing resolutions and declarations, have been fully and entirely covered in a previous report made by said Committee, except an act and petition referred to the committee by Mr. Fayle, asking that the Hebrew Benevolent Society be incorporated. The committee direct me to say that it is not a proper matter to be entertained by the Convention, it being purely legislative.

They ask, therefore, to be discharged from the further consideration of the same.

G. W. WHITMORE,
Chairman Com. on General Provisions.

Mr. Hunt, from the Committee on State Affairs, made the following report:

COMMITTEE ROOM,
Austin, Texas, July 27, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: I am instructed by the Committee on State Affairs, to whom was referred the resolution introduced by the Hon. C. T. Harn, of Grimes county, to secure the fund contributed by the people of Texas to erect a monument on the battle-field of San Jacinto commemorative thereof, to make the following report:

Your committee are of opinion that the fund already contributed by the people of Texas should be collected, placed in the treasury of the State, invested in the bonds of the national government, and held as a sacred fund in trust for the purposes for which it was intended.

The fund already amounts to thousands of dollars, and is in the hands of those who will transfer the same to the treasury of the State upon the passage of the resolution under consideration. It is true that but a small amount has yet been set apart, but it is believed that when the State undertakes to control the fund, and to secure the ends for which it was designed, that a sense of State pride and desire to commemorate the names and gallant bearing of those who won a nation's independence on the 21st day of April, 1836, will inspire the people of Texas with a patriotic and generous spirit, and that ere long the means necessary to the accomplishment of the object will be collected.

The 21st of April will be a great holiday when the monument shall be commenced, and annually the patriotic deeds of the fathers of the republic of Texas will be remembered and the people of our

State will have increased confidence and hope of the maintenance of our government.

In view of the premises, and the object to be accomplished, your committee recommend the passage of the resolution.

H. C. HUNT,
Chairman pro tem. of Committee on State Affairs.

Mr. Butler, from the special committee appointed to investigate into the condition of the Penitentiary, reported as follows:

COMMITTEE ROOM,
July 25, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Sir: The Committee of the Convention appointed to investigate the financial affairs of the State Penitentiary, and to whom was referred a resolution directing them to inquire into the condition of the convicts and the causes for which they were sentenced to confinement in that institution, have the honor to submit their report:

From the examination which the committee was enabled to make during their visit to the establishment, they were impressed with a conviction that the inmates were as well taken care of, and as well provided for, as the capacity and condition of the buildings and the enclosure would allow. There are more than four hundred convicts confined within the walls of the Penitentiary, largely too many for the capacity of the institution, which renders it wholly impracticable for the managers to secure that comfort and salutary discipline which a beneficent government should always extend, when practicable, even to the guilty violators of its laws. They ascertained, however, that by means of the labor of the convicts the managers were engaged in making brick to erect other and additional buildings, which will greatly contribute to increase the comforts of the inmates, and enlarge the capacity and promote the convenience of the establishment for the purposes for which it was designed. The appearance of the convicts indicate that they are well fed and properly attended to; but from the number now in the Penitentiary, and restricted capacity, they are necessarily too much crowded, especially at night in their dormitories, for the certain preservation of the health of the establishment. If an epidemic should prevail there, it would be impossible, with the present capacity and arrangement of the institution, to secure the comfort and the restoration of the afflicted to health. This will, no doubt, be obviated to a considerable extent when the additional buildings contemplated shall have been erected and fitted up for use and occupation.

The annexed schedule [marked A], which is made a part of the report, will show the names of the convicts, the county in which they were found guilty and sentenced, the offences with which they were charged, the time of conviction, the period of confinement, the time of entrance, and the circumstances of the conviction, as detailed by themselves; and their general deportment since their admission, as related by the managers, of one hundred and sixty-one convicts.

From the special examination thus made, the committee was brought to the conclusion that some of them presented strong claims to Executive clemency, and in the remarks of the schedule they have taken the liberty so to commend them to the Governor for pardon. In their judgment, the Governor, in exercising clemency in these cases, would not only wisely extend mercy to repentant criminals, but he would both offer inducements for moral reformation to the remaining convicts and increase their comforts, now so much discommoded in an over-crowded establishment.

The committee therefore recommend that this report be referred to his Excellency, E. M. Pease, and that he be requested to gain such additional information, in his power, as would enable him to extend Executive clemency to those who, according to his judgment, deserve it.

All of which is respectfully submitted.

JAMES P. BUTLER,
Chairman Committee.

SCHEDULE "A."

List of one hundred and sixty-one convicts, whose statement of cause of confinement has been taken by Committee investigating Texas State Penitentiary, July, 1868.

NO.	NAME.	COUNTY.	OFFENCE.	TIME OF CONVICTION.	TERM OF IMPRIS'T.	WHEN RECEIVED.
1	David Johnson, fm	Calhoun.	Rioting, and assault with intent to kill.	Spring term, '68.	2 years.	Feb. 17, 1868.
2	George Blanchet, fm	do		do	2 do	do
3	Antonio Evans, fm	do		do	2 do	do
4	Chas. Clark, fm	do		do	2 do	do
5	Ed. McGuire, fm	do		do	2 do	do
6	Jerry Myers, fm	do		do	2 do	do
7	James Burns, wh	Galveston.	Assault with intent to murder.	July, 1867.	4 do	August, 1867.
8	John Collins, fm	do	Theft.	June, 1868.	2 do	June 16, 1868.
9	Henry A. Blake, wh	Montgomery.	Not stated.	Fall, 1866.	10 do	Nov. 27, 1866.
10	J. W. Hunter, fm	Cameron	Theft.	do	7 do	Jan. 1867.
11	John Hilton, fm	do	do	do	7 do	do
12	Wm. Mills, fm	do	do	do	7 do	do
13	Robert Smith, fm	do	do	do	7 do	do

14	John Miller, fm	do	do	do	7 do	do
15	James Pearson, fm	do	do	do	7 do	do
16	Leonard Taylor, fm	do	do	do	7 do	do
17	F. H. Miller, fm	do	do	do	7 do	do
18	W. H. Osborne, fm	do	do	do	7 do	do
19	James Riley, fm	do	do	do	7 do	do
20	George Foster, fm	do	do	do	7 do	do
21	Jacob Engle, fm	do	do	do	7 do	do
22	Dick Hodge, fm	Fort Bend.	Horse stealing.	Fall term, 1865.	5 do	Jan. 19, 1866.
23	Wash Boldin, fm	Ellis.	Theft.	Spring term, '66.	5 do	March 27, 1866.
24	Fred Habers, fm	Lamar.	Theft.	Fall term, 1865.	5 do	Nov. 5, 1865.
25	G Washington, c	Guadalupe.	Horse stealing.	Spring term, '66.	7 do	May 7, 1866.
26	R. Dolton, fm	Galveston.	Theft.	March, 1867.	5 do	April 7, 1867.
27	John Welch, wh	Galveston.	Forgery.	July, 1867.	2 do	Oct. 19, 1867.
28	Ellis Rogers, wh., is blind.					
29	J. Woodward, w					
30	W. Shepperd, fm	Montgomery.	Theft.	Spring term, '66.	3 do	
31	Sally A. Jenkins.	Harris.	do	do	3 do	
32	Chas. O'Neal.	Galveston.	do	June, 1867.		
33	Ben Jenkins, fm	Houston.	Assault with intent to murder.	Fall term, 1866.	3 do	
34	Martin Moore, fm	Houston.	Burglary.	do	2 do	
35	Green Decker, fm	Cherokee.	Cutting with an ax	do	2 do	
36	John O'Brien.	DeWitt.	Swindling.	do	2 do	
37	Andy Jones, fm	Lamar.	Burglary.	Spring term, '67.	3½ years.	
38	Mariah Moore fw	Washington.	do	do	3 do	

SCHEDULE "A."

List of one hundred and sixty-one Convicts whose statement of cause of confinement has been taken by Committee investigating Texas State Penitentiary, July, 1868.—Continued.

NO.	NAME.	COUNTY.	OFFENCE.	TIME OF CONVICTION.	TERM OF IMPRIS'T.	WHEN RECEIVED.
39	Sallie Jackson, fw	Henderson.	Theft.	Spring term, 1867	3 years	
40	Ben Simmons, fm	Wharton.	Theft.	do	3 do	
41	Edw Townsend, fm	Wharton.	Horse stealing.	do	7 do	
42	Robt. Johnson, c	Hays.	Mule stealing.	do	6 do	
43	Frank Shelbin, fm	Fayette.	Horse stealing.	do	5 do	
44	Jerry Bonis, fm	Austin.	Assault with intent to kill.	do	2 do	
45	A. Darden, fm	Harrison.	Not stated.	do	6 do	
	Ellick.		Horse stealing.			
46	Frank Boon, alias F. Jones, fm	Harrison.	Horse stealing.	do	5 do	
47	Peter Brinston, fm	Tarrant.	Theft.	do	2 do	
48	Green Neighbors, fm	Harrison.	Horse stealing.	do	5 do	
49	W. Horn, fm	Red River.	Assault to kill.	do	4 do	

50	Lucas Williams, fm	DeWitt.	Theft of a horse.	Spring term, 1867	5	do
51	Charles Hersch, wh	do	Swindling.	do	5	do
52	Cornelius Herd, fm	do	Theft of a horse.	do	5	do
53	Charley Dock, fm	do	Assault to murder	do	2	do
54	Sam Tullis, fm	Brazoria.	Murder, 2d deg.	do	5	do
55	David Hurt, fm	Williamson.	Theft.	do	2	do
56	Ark Sawls, fm	do	Theft of a horse.	do	5	do
57	John Brown, fm.	Travis.	Theft.	do	4	do
58	Hiram Nixon, wh	Robinson.	Theft of horse.	do	5	do
59	C. N. Thompson, wh	Cameron.	Theft of animals.	do	5	do
60	J. L. Edwards, wh	do	Theft of mules.	do	5	do
61	Jas. Johnson, fm	do	Theft.	do	2	do
62	Wm. Calloway, wh	Lamar.	Horse stealing.	do	5	do
63	M. Kelley, wh	Harris.	Burglary.	do	3	do
64	John Hughs, wh	Galveston.	Robbery.	Jan., 1867.	4	do
65	John Bolzh, wh	do	Theft.	do	2	do
66	Clark Haskell, wh	do	do	do	2	do
67	John Ozmens, wh	do	do	Spring term, '67.	2	do
68	Carol Provost, wh	do	Assault to kill.	do	2	do
69	D. F. Galloway, or J. Smith, wh	Fort Bend.	Forgery.	do	2	do
70	J. C. Stanley, wh	Bell.	Burglary.	do	2	do
71	B. F. Manning, wh	Hunt.	Theft.	do	3	do
72	J. R. Ferguson, wh	do	do	do	3	do
73	Mary, fw	Gonzales.	Bandbox theft.	Fall term, 1866.	2	do
74	Jude Hammack, fw	Coryell.	Burglary.	do	2	do
75	George Spencer, fm	Brazoria.	Assault to murder	do	2	do

SCHEDULE "A."

List of one hundred and sixty-one convicts, whose statement of cause of confinement has been taken by Committee investigating Texas State Penitentiary, July, 1868.—Continued.

NO.	NAME.	COUNTY.	OFFENCE.	TIME OF CONVICTION.	TERM OF IMPRIS'T.	WHEN RECEIVED.
76	Jacob Overstreet, fm	Harrison.	Assault and stab.	Fall, 1866.	2 years.	
77	Isaac McCain, fm	do	Theft.	do	2 do	
78	Robert Moore, fm	Lampasas.	Assault to kill.	Spring term, '67.	2 do	
79	Ross Richardson, fm	Upshur.	Theft.	Fall term, 1866.	2 do	
80	Taylor Perkins, fm	Harrison.	do	do	3 do	
81	Allen Adams.	do	do	do	4 do	
82	Wm. Thompson, fm	do	Theft of hogs.	Spring term, '67.	2 do	
83	V. S. Pearson, wh	Harris.	Theft of a watch.	June, 1867.	2 do	
84	ohn, alias Charles Moore, wh	do	Horse stealing.	do	10 do	
85	Jas. McConner, white,	Galveston.	Burglary & theft.	July, 1867.	3 years.	
86	Chas. Smith, do.	do.	Theft of money.	do.	2 do.	
87	Mike Masterton, do.	do.	Arson.	do.	2½ do.	
88	John Clark, do.	do.	Burglary & theft.	do.	3 do.	

89	Jno al. Jack Kirby,	do.	Galveston.	Theft.	July, 1867.	2 do.
90	J. M. Mitcalf,	do.	Nacogdoches.	Theft.	Spring, 68.	5 do.
91	Jessie Killingsworth,		Harris.	Murder.	Fall, 1859.	20 do.
92	Wm. Brown,		Grimes.	Murder.	Spring, 1855.	For life.
93	Claib. Washam,		Brazoria.	Horse-stealing.	Spring, 1859.	15 years.
94	Rose Moore,	f. w.	Upsher.	Hog-stealing.		2 do.
95	Mary Chamblin,	do.	DeWitt.	Theft.		2 do.
96	Mary Burns,	do.	Gonzales.	do.		2 do.
97	J. Simpson,	f. m.	Upsher.	do.		2 do.
98	Henry Smithers,	do.	Colorado.	Horse-stealing.		10 do.
99	Dr. Robinson,	do.	Upsher.	Stealing mules.		5 do.
100	Joe Smith,	do.	McLennan.	Murder.		20 do.
101	F. Robinson,	do.	Williamson.	Theft.		2 do.
102	Jno. Anderson,	f. m.	Harris.	Theft.		2 years.
103	M. Jackson,	do.	do.	do.		4 do.
104	Parker Eddington,	do.	Sabine.	Burglary.		5 do.
105	Chas. Tatam,	do.	do.	do.		5 do.
106	George Giel,	do.	Ellis.	Theft.		2 do.
107	Ben. Kyle,	do.	Cameron.	do.		2 do.
108	H. Richardson,	do.	Bastrop.	Attempt at rape.		7 do.
109	Sam. Nun,	do.	Colorado.	do.		5 do.
110	Alex. Moffat,	do.	Dallas.	Horse-stealing.		5 do.
111	Rich. Johnson,	do.	Gonzales.	Stealing a saddle.		5 do.
112	Jas. Williams,	do.	Fayette.	do. a pair of shoes.		2 do.
113	Wm. Jackson,	do.	Galveston,	Theft.		2 do.
114	Josh. Freeman,	do.	Houston.	Stabbing.		2 do.
115	Rufus Davis,	do.	San Augustine.	Theft.		2 do.

SCHEDULE "A."

List of one hundred and sixty-one Convicts, whose statement of cause of Confinement has been taken by Committee, investigating Texas State Penitentiary, July 1868—Continued.

NO.	NAME.	COUNTY.	OFFENCE.	TIME OF CONVICTION.	TERM OF IMPRISONMENT.	WHEN RECEIVED.
116	James Brown, do.	Falls.	do.		5 years.	
117	Ben. Carlyle, do.	Van Zandt.	Horse stealing.		5 do.	
118	Isaac Foster, do.	Austin.	Theft.		2 do.	
119	Warren Ormsby, do.	Travis.	Breaking into store.		7 do.	
120	Wm. Washington, do.	Brazoria.	Cutting freedman.		7 do.	
121	Jeff. Brown, do.	Galveston.	Theft.		7 do.	
122	Cany Davis, fm	Austin	Shooting at white man		5 years	
123	Crock. Williams, fm	Upshur	Stealing horse		7 do	
124	Dick Givens, fm	Washington	do	Fall, 1866	5 do	
125	Foster Whitfield, fm	Harrison	Stealing $30		5 do	
126	Henry Randolph, fm	Bastrop	Stealing mule		5 do	
127	Scott Gibson, fm	Austin	Stealing pistol		2 do	

128	Robert Bradley, fm	Tarrant	Arson		4 years.
129	Ral. Armstrong, fm	Harris	Breaking into a store		7 do
130	George Martinas, fm	Guadalupe	Horse stealing		10 do
131	Daniel Reno, fm	Bastrop	Stealing pony		7 do
132	Sam. Childs, fm	Galveston	Rape		7 do
133	Jacob Folk, fm	Henderson	Attempt to commit rape		15 do
134	Spence Baker, fm	Brazoria	Drawing gun on a man		2 do
135	Luke Bird, fm	Polk	Horse stealing		7 do
136	David Bradley, fm	Cameron	Burglary		12 do
137	Jack Dupree, fm	Austin	Horse stealing		10 do
138	Jack Hatch, fm	Walker	Stealing mule		7 do
139	Henry Clopton, fm	Harris	Stealing horse	Spring, 1866	7 do
140	Isaiah Bragwell, fm	Grimes	Stabbing a white man		10 do
141	Stephen Freeman, fm	Grayson	Horse stealing		5 do
142	Jas. Anderson, fm	Wharton	do		5 do
143	Dick Cochran, fm	Fayette	Shooting at white woman		3 do
144	Bill Ray, fm	Galveston	Stealing $7,000		7 do
145	Ned Clark, fm	Colorado	Stealing a watch		5 do
146	Robert Tillman, fm	Grimes	Breaking into a store		5 do
147	Isom Collins, fm	Ellis	Stealing a mule		5 do
148	Wm. Osborn, fm	Harrison	do		5 do

SCHEDULE "A."

List of one hundred and sixty-one Convicts whose statement of cause of confinement has been taken by Committee investigating Texas State Penitentiary, July, 1868—Concluded.

NO.	NAME.	COUNTY.	OFFENCE.	TIME OF CONVICTION.	TERM OF IMPRIS'T.	WHEN RECEIVED.
149	Dan. Swarnigen, fm	Orange	Murder		20 do	
150	Gen. Watson, fm	Washington	Stealing a horse		10 do	
151	Lewis Blake, fm	Austin	Murder		7 do	
152	Sam Watson, fm	Brazoria	Stabbing		7 do	
153	John Powell, fm	Jasper	Rape		4 do	
154	Levi Barns, fm	Victoria	Horse stealing		5 do	
155	Richard Johnson, fm	Johnson	do		7 do	
156	Tom Gooch, fm	Harris	Stealing a watch		3 do	
157	Tom Lubbock, fm	Galveston	Stealing a saddle		3 do	
158	Chs. King, fm	Colorado	Stealing a pistol		2 do	
159	Chester Scott, fm	Upshur	Stealing a hog		2 do	
160	Geo. Lahlia, fm	Milam	Helping prisoner to escape.		2½ do	
161	Sam. Johnson	Cameron	Stealing clothing		2 do	

STATEMENT OF CONVICTS.

Statement of the first 6. We had no weapons, but one of us had a stick; no blows passed and no one was hurt. The cause of our riot was: our employer had severely beaten a woman, under his charge as cook, and from civil law we could get no satisfaction.

7. Offence committed in 1860. Burns after that left for the North, but returned to Galveston in 1865, when he was tried before Judge Love. Pleads innocent. Good character. Convicted for stealing twenty-five pounds coffee. Refers to Judge Fahle.

8. Belonged to Second Wisconsin Cavalry, company L, Capt. LeRoy; tried before Judge Gould. Refers to Prof. McKinney, at Huntsville, who states that convict was most likely convicted through prejudice. *Committee would favor his pardon.*

10 to 21. Five years for stealing animals and two years for stealing from a house. Referred to Gen. J. J. Reynolds for information. These convicts belonged to the Liberal army in Matamoras, Mexico, were under command of Gen. Ford, brought across to the United States side, and camped above Brownsville; by their leader they were taken up the country, as he said, to cross back to Mexico at Camargo, and on the way by him induced to take from ranches saddles and horses to mount themselves. The committee recommends these parties for Executive clemency, considering them more the dupes of their leader, who never was caught. They recommend this case to a careful examination.

22. I was ordered by my employer to take up a stray horse, for which I paid him feed. I transferred my claim for the feed, for which I was tried and convicted of horse stealing. My employer was a Mr. Chambers, of Fort Bend county. I refer to B. F. Atkins and Capt. Rock.

23. I saw my employer, Sam Chamblers, giving a

STATEMENT OF CONVICTS—*Continued.*

Statement of 23. freedman seven hundred lashes and shooting at him. To keep from being shot at, I jumped on a mule and rode off.

24. I was found with two dozen cotton handkerchiefs, sold to me by somebody else. This case comes under the twenty dollar law. Reference: Hon. Armstrong, of Lamar.

25. I have served nine months in the Federal army, and belonged to company H, Eighth United States Artillery, colored. My captain (Norton) had given me a furlough to visit some of my relations in Texas and loaned me for that purpose a horse, which he, after my arrest, claimed. I refer to Inspector Wm. H. Sinclair's report, and to Mr. Horton Rieves, at Paducah, Ky. Capt. Norton lives at an unknown point in Ohio. I was arrested and tried in national uniform; no party claiming the horse swore positively to the right of property.

26. Trial before Judge Love. One of the witnesses declared that the prisoner was a Yankee and only came here to steal what little was left. Reference: Hume or Hunsacker.

27. I had used seventy-five dollars of my own money on a sick man in my charge, when he died with all his means in bank, and with no other friends or acquaintances. To get his money, wherewith to pay his board and funeral expenses, I, by advice of others, signed his name to the bank book, not knowing that I committed any offence, as there was nobody else that had any interest in obtaining his money. Reference: Augustus Close, and Robert Ferguson, a workman in the foundry. I belonged to the Federal army.

28 and 29. Being in company with a horse thief, we both were kidnapped from the Indian Nation and brought to Barnim, Fannin county, Texas, where we were tried and convicted. We were prejudiced by being connected with the Federal army and by retaliating feelings,

STATEMENT OF CONVICTS—*Continued.*

Statement of 28 and 29. because during the war some men had been hung in the Indian Nation.

30. I was run off by my employer; went back after my pay. The next day my employer missed a gun; the gun was neither found with me, nor any testimony produced that I stole the gun, other than that I had been on the premises. I am innocent. Reference: McWashington.

31. Owns charges to be correct.

32. I am charged with having stolen a watch and locket. The watch was found on a person in Louisiana whom I never had seen; the locket was handed me by a white man as security for a debt. Reference, C. H. Leonard and Arthur Donnely, Galveston.

33. Pleads not guilty, and refers to Munroe and Burnett.

34. Owns having had the articles; refers to Munroe and Burnett.

35. The freedman whom I struck rushed on me with a claw-hammer; the axe cut only a small gash on his head, no serious injury. I was a stranger in Cherokee county.

36. I borrowed $2 50, offering to return them next day; party would not receive it, but arraigned me for swindling. Sentenced by Judge McEson.

37. I acknowledge having taken three sides and a half of bacon. Reference, Armstrong, of Lamar, (member of Convention) and Harrison; of Lamar. Convicted.

38. Was convicted for stealing $10 in money.

39 and 40. Theft of goods.

41. My employer owed me, and told me that I might ride his horse to town, in possession of which I was arrested. I was a member of 5th Massachusetts Regiment; my discharge taken from me.

42. I was a member of the United States Army; my discharge was taken from me before trial.

STATEMENT OF CONVICTS.—*Continued.*

Statement of 42. Refer to Judge Phillips, of Austin, member of Convention.

43. Reference, Ledbetter, of LaGrange, and Judge Lindsay, (member of Convention.)

44. Refers to Bell, of Austin, (Convention member.)

45. I had hired the horse and paid $15 for it.

46. I bought a horse, but found out that it was stolen, and turned it over. My witnesses were not permitted to testify. Judge Ochiltree.

48. Accused was young, but eighteen years old in June, 1867.

49. I am charged with having hit a freedman in the face with an axe; I deny having done so, and refer to lawyer Marshall Semmes, who pleaded my case.

51. I was working for Adam Deichert, at Clinton, (now at Victoria.) I could not get any pay out of my employer for painting done, therefore I helped myself to a buggy, which I sold for $40. Another man had given me a precedent, he helping himself in a similar way. I, therefore, thought I was right. I am sure I had no fair and impartial trial, the District Attorney calling me a Yankee before the jury. I was 1st Sergeant of the First New York Engineers. Superintendent says: The prisoner's behavior has been very good.

52. I wanted to see my sister, and took for that purpose a horse from my employer. I was nearly home again when I was caught. Reference, lawyer Plass.

53. About my wife, with whom my antagonist lived and had a child: we had first a fair fight, after that he got a gun, and approaching with it, threw a rock at me, when I shot at him with a pistol. Reference, Dr. King, at Concrete, DeWitt county.

54. Committee recommends him to pardon. Annexed testimony of Dr. Tullis. His character in Penitentiary has been unexceptionable.

STATEMENT OF CONVICTS.—*Continued.*

Statement of 56. At my trial I was refused witnesses in my favor. Refers to Representative of Williamson.

57. Refers to Hamilton, of Travis.

58. Referred to Dr. Richardson and Gammel, of Robinson county, and Boyd, member of the Convention.

59. Convict was a member of Fourth Cavalry, United States Army.

60. Convict was one of the police force in Brownsville, Texas, at the time of his conviction.

62. A petition has been formerly sent to the Executive of the State for pardon during the Throckmorton administration. Refers to letters to Governor Pease and Armstrong, member of Convention from Lamar.

64. I am accused of having stolen $10 from a United States soldier; I was with the party who was caught, and having found $15 upon me, I was declared guilty; I can prove that I was in possession of the $15 before I was arrested, by Norton Fletcher; refer also to Henry Irvin, of Galveston.

65. I was sick and unable to work, and to get something to eat I stole two bars of iron, one piece of which I sold for $1.10.

66. In my valise some clothes were found. Refers to Hunsacker, of Galveston.

68. I worked in U. S. Navy during the war; refers to Judge Love, to Houston or Galveston.

69. Denies charge.

73. Acknowledges charges. She is of excellent behavior, and enjoys many liberties outside of the Penitentiary.

74. A white woman broke in a store and took out of it some goods; I was found in possession of part of them and, therefore, charged with burglary; I was tried before Judge Harrison. Reference: H. Cook, of Owensville, Texas.

75. I was deranged at the time of my conviction, but improved before reaching Penitentiary. References: Col. Bell, Superintendent Peni-

STATEMENT OF CONVICTS—*Continued.*

Statement of 75. tentiary, and McCormick, member of Convention.

76. Refers to Delegate from Harrison county; also, Coleman, member of Convention.

77. The three pounds of bacon I am accused of having stolen were my weekly allowance. I refer to the Delegate of Harrison county.

78. My trial was a partial one, for I was not permitted to introduce any colored witnesses; though accused of intentions to kill, I had no weapons. Refer to Frank Fletcher, of Lampasas, and Judge Harrison, of Waco.

79. Convicted for stealing a shirt. Reference: Judges Caldwell and Gray, members of Convention.

80. Convicted for stealing twenty-one bushels of corn.

82. Is in bad health.

83. I was in the Union Army. I took the watch from the thief to return it to the owner, what I forgot.

84. Acknowledges the stealing of the horse.

85. On account of yellow fever, I was hurried to trial without witnesses; and on account of having been in U. S. Army, prejudice prevailed against me.

[Second term of imprisonment in Penitentiary.]

86. No money was found on my person when arrested; I am convicted on suspicion.

87. Refers to proceedings of this case.

89. I went into a bar-room to have a $5 bill changed. I soon found out the change was counterfeit, and when I saw the man dropping his pocket-book I picked it up, to get even with him.

90. Calls himself R. H. Cobb, and claims to be a son of Howell Cobb, of Georgia; denies having stolen the horse, and requests the proceedings in his case.

91. He says he killed the man in self-defence. The committee are favorably impressed with the

STATEMENT OF CONVICTS—*Continued.*

Statement of 91. prisoner, and they, as well as the officers of Penitentiary, recommend his pardon. He is nearly seventy years old, and has, therefore, only a short time more to live.

92. The committee has investigated this case, and find that the prisoner was convicted on circumstantial evidence, which can be had by referring to the proceedings of the District Court of Grimes county for the above term. The officers of the Penitentiary testify to his uniform good conduct; he has never been punished since his confinement, a thing unusual on the records of the prison. He was very young (twenty-two years) at the time of his conviction, and the committee feel safe in saying that they think he would make a good citizen if Executive clemency was extended to him; they, therefore, beg leave to respectfully recommend his pardon.

93. The committee has investigated this case, and find the man to be near seventy years of age, old and infirm. In consideration of his old age, his uniform good conduct, and his having already served nine years and three months, they would recommend that Executive clemency be extended to him.

94. My husband stole a hog without my knowing anything about it. Meat was found in my house, and I, therefore, made party to the theft. My husband is in prison.

95. Admits charge correct.

96. To make my daughter and me confess the theft of a box with $30, we were twice hung up by the neck; the second time my daughter confessed, and on her evidence alone I was convicted.

98. Says he was taken for the thief, though innocent.

99. I took the mule to ride it four miles and then turned it loose; my employer got it back four days after.

100. Bad temper.

STATEMENT OF CONVICTS—*Continued.*

Statement of 101. I had the stolen things in my possession, but another man had stolen them.

104 and 105. A white man hung a boy (sixteen years old, freedman) three times, and made him confess that he and we two attempted to rob his store. The boy was released for telling.

106. I found money in my employer's wagon, and gave it to a magistrate when arrested.

107. My employer was my accuser; I deny the charge.

108. Malice of my former master.

110. The horse was stolen by another freedman, who escaped; I was an accomplice.

111. I purchased the saddle from a white man (a stranger to me).

112. I took them from a freedwoman whose husband owed me the money.

11 4. Done in fight.

117. I rode an estray horse four miles and returned it.

118. I have stolen a bolt of cloth, when drunk, but don't remember it.

120. I used to be servant for Gen. Gregory. I was at a wedding when a row occurred; tried to break up that row; that was all the part I had in it.

122. A white man set his dog on me; I then snapped a cap at the dog.

123. Denies it.

125. Denies.

128. One day a stranger came to the fence and asked me for fire. I gave it to him and therewith he set a barn afire; the man was not caught. (Prisoner is a boy.)

129. I only stole an orange.

131. I bought the pony from my employer for $30 00 and worked out the pay. But my employer took back the pony, and said he would pay me the $30. When I saw that I could get no money from him, I went and took the pony.

133. I wanted to steal my master's gun; he caught

STATEMENT OF CONVICTS—*Continued.*

Statement of 133. me in the room, where four persons were sleeping, and accused me of the crime mentioned.

134. On account of sickness of my children I was crazy; did not know that I did it; no load in the gun.

135. My master, who has killed two white men, one day shot twice at me; I took the horse to run away on.

136. I was arrested on suspicion.

138. I was at a wedding and rode the mule home, intending to return it.

139. My master went to Mississippi and left the horse in my charge. Master died; the horse in my charge and nobody to prove property; but I was convicted of stealing it.

140. I left my employer after my time of service was up, and after having refused to contract again. After I had got off half a mile, my employer caught me and brought me back. Stopping at a branch, he said: "Now! G–d d—n you! you wont work for me? You shan't work for anybody else." He had drawn the pistol. I consented to work for him another year for nothing, if he would not kill me. My employer though, said: "No G–d d—n you! you ran away and I am not going to let you live with anybody;" and thereby he shot me through the left shoulder. I then stabbed him, badly cutting him; and after I had cut him the first time, I kept on doing so, for it made me more desperate.

141. I bought the horse from an Indian for $10.

142. I know nothing about it.

143. I shot at a dog. (A boy 17 years old.)

144. Denies it.

145. I bought it from a white man.

147. I took the mule from my employer, in lieu of pay; he threatened to kill me if I would not hire for another year.

148. Denies all knowledge of it.

149. I was drunk and killed a freedman in a row.

STATEMENT OF CONVICTS—*Concluded.*

Statement of 150. I picked up the horse and rode it for the purpose of finding my own horse.
(Prisoner is an honest looking old man.)
151. I killed a freedman in self-defence.
152. I had a fight with a freedman and killed him in self-defence.
154. After having lent me the horse, my mistress prosecuted me for stealing it, because I would not live with her another year.
155. My employer owed me $30 00; which I could not get, I therefore took a $20 horse in lieu.
157 I won the saddle from a freedman, Geo. Smith, who belonged in Nassau, and was there on my trial.
158. I took it from my employer, because I could get no pay for my work.
159. I did not get enough to eat; therefore, I took one of my employer's hogs.
160. I am wrongly accused of having furnished a horse to prisoner, on which to escape.
161. I have been a soldier in 31st U. S. C. T., and was prosecuted, because I had been a Yankee soldier; I received the cloths from a freedman.

Mr. Smith, of Galveston, offered the following resolution:

Resolved, That a committee of three be appointed by the president to examine into and inquire by what authority a member of this Convention holds his seat in violation of military circular No. 16, dated May 16th, 1867, and issued by Brevet Major General Griffin, and report to this Convention.

Laid over under the rules.

Mr. Evans, of McLennan, offered the following resolution:

That the judges of the Supreme and district courts of Texas shall, as heretofore, be elected by the qualified voters of Texas, and that the Committee on the Judiciary be instructed to report an "elective system" of judiciary to be incorporated in the constitution.

Laid over under the rules.

Mr. Smith, of Marion, offered the following resolution:

WHEREAS, it is apparent that the name of the county of Cass of this State was changed by the so-called Legislature of 1861, to the name of Davis, in honor of the arch traitor, Jefferson Davis, as will be seen by the copy of said act, as is herewith given—

SECTION 1. "*Be it enacted by the Legislature of the State of Texas*, That the names of the counties of Cass and Buchanan be changed to Davis and Stephens, respectively, (in honor of Jeff. Davis, President, and A. H. Stephens, Vice-President of the Confederate States of America).

SEC. 2. That all processes heretofore issued from either of said counties be as valid as if the same had been issued in the name of the counties of Davis and Stephens.

SEC. 3. That all laws in conflict with this act be and are hereby repealed, and this act take effect from and after its passage."

Approved December 17, 1861.

Therefore, be it resolved:

SECTION —. That the so-called county of Davis be known hereafter as Cass.

SEC. —. That all processes heretofore issued in the county of Cass and so-called county of Davis be as valid as if the same had been issued in the name of the county of Cass.

Referred to the Committee on Counties and County Boundaries.

Mr. Varnell offered the following resolution:

Resolved, That the Legislature be authorized and instructed to pass laws protecting from forced sales the increase of live stock belonging to the wife's separate property, as well as rents, interests, and increased value of real estate.

Referred to the Committee on General Provisions.

Mr. Constant offered the following resolution:

Be it Resolved by the people of Texas in Convention assembled, That no educational qualification shall be made a test as regards the political rights of any voter in this State, before the first of January, A. D. 1880.

Referred to the Committee on Political and Legislative.

Mr. Stockbridge offered the following resolution:

Resolved, That the rule of this Convention which prohibits any delegates from speaking more than thirty minutes upon any one subject be, and the same is hereby modified so that additional time may be allowed, by a vote of two-thirds of the delegates.

Mr. Johnson, of Calhoun, offered the following declaration, and asked its reference to the Committee on Internal Improvements:

WHEREAS, The San Antonio and Mexican Gulf Railroad Company (without aid from the School Fund) constructed and equipped their road from Lavaca to Victoria, and kept the same in successful operation until destroyed by the rebel General Magruder; and

Whereas, This wanton and wicked destruction of private property and great public enterprise, was owing to the hostility and desire of those then in power to harass and ruin the principal owners or stockholders, on account of their well-known loyalty and avowed Union sentiments; and

Whereas, The franchise rights of said company may be endangered by the absence of lawful legislation; therefore

Be it ordained, That the said company shall be allowed them, for the construction of the second section of twenty-five miles of said road, the same extension of time after the admission of Texas into the Union, under the Reconstruction Acts, as allowed by the act approved February 1, 1861, entitled:

" An Act supplemental to an act, and amendatory of an act, entitled an act to incorporate the San Antonio and Mexican Gulf Railroad Company, and supplemental to and amendatory of the several acts supplemental to and amendatory of the above recited act."

It was so referred.

Mr. McCormick moved that the communication received yesterday, from the Military Commander of the Fifth Military District, be referred to Committee on Finance.

It was so referred.

Mr. Evans, of McLennan moved that a communication received yesterday, from His Excellency, Governor E. M. Pease, respecting the status of the employes of the State government, be laid on the table, subject to be taken up on the call of the House.

Carried.

Mr. Gray moved that the rules be suspended to allow consideration of the report of the Committee on Internal Improvements upon the Pacific Railroad Company.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bellinger, Board, Bryant of Grayson, Buffington, Cole, Coleman, Curtis, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Gray, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Mackey, McCormick, Muckleroy, Mundine, Mullins, Pedigo, Phillips of Wharton, Rogers, Scott, Stockbridge, Varnell, Wilson of Brazoria, Wilson of Milam, Wright—39.

Nays—Messrs. Bell, Bledsoe, Boyd, Bryant of Harris, Butler, Burnett, Carter, Degener, Evans of McLennan, Fayle, Glenn, Hunt, Johnson of Harrison, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Mills, Morse, Munroe, Newcomb, Oaks, Phillips of San Augustine, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Thomas, Vaughan, Watrous, Whitmore, Williams, Yarborough—38.

So the Convention refused to suspend the rules.

The President announced the unfinished business of yesterday being the report of the Executive Committee,* upon the adoption of the amendment offered by Mr. Evans, of McLennan, to strike out all after the word "officers," in second line of section 7.

Mr. Flanagan moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Armstrong of Lamar, Board, Brown, Buffington, Burnett, Carter, Cole, Constant, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Gray, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Rogers, Scott, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—45.

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Bryant of Grayson, Bryant of Harris, Curtis, Degener Downing, Evans of McLennan, Fayle, Harris, Hunt, Johnson, of Harrison, Kendal, Kuechler, Leib, Lippard, Long, Morse, Mundine, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Thomas, Whitmore, Wilson of Milam, Yarborough—34.

So the amendment was laid upon the table.

Mr. Hamilton, of Travis, moved to insert the words "except the Lieutenant Governor," after the word "officers," in the third line of section 7.

Mr. Patten moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bellinger, Bledsoe, Degener, Downing, Long, Newcomb, Patten, Ruby, Sumner—9.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Cole, Constant, Curtis, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston. Glenn, Goddin, Gray, Grisby, Hamilton of Travis, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Slaughter, Smith of Marion, Stockbridge, Scott, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—70.

---

*For report see page 477.

So the Convention refused to lay the amendment on the table.

The question recurring upon the adoption of the amendment it was agreed to.

Mr. Evans, of McLennan, moved to re-commit section 7 to the Exective Committee.

Mr. Flanagan moved the previous question upon the adoption of the section.

Previous question seconded.

Mr. Evans, of McLennan, moved a call of the House.

Call sustained.

Absentees—Muckleroy, Smith, of Galveston, and Pedigo.

Mr. Glenn moved that Mr. Evans, of Titus, be excused.

Carried.

Mr. McCormick moved that the call of the House be suspended, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Board, Brown, Burnett, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Gray,, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Lindsay, Mackey, McCormick, McWashington, Mills, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Smith of Galveston, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—40.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Coleman, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Harris, Hunt, Johnson of Harrison, Keigwin, Kendal, Kuechler, Leib, Lippard, Long, Morse, Mundine, Munroe, Newcomb, Oaks, Patten, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—42.

So the Convention refused to suspend the call of the House.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL. AUSTIN, TEXAS,
July 29, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Hunt, from the Committee on State Affairs, made the following report:

COMMITTEE ROOM,
July 29, 1868.

Hon. E. J. DAVIS,
President of the Convention:

A majority of your Committee on State Affairs, to whom was referred the declaration of Hon. A. J. Evans, locating the Capital of the State of Texas, after the year 1870, at the city of Waco, Texas, and dividing and increasing the University Fund of Texas, and locating one branch thereof at San Antonio, Texas, and the other at Tyler, Smith county, Texas, ask permission to make the following report to your honorable body.

First. We find that the city of Waco, if not in the exact center, is nearly so, of both the territory and population of Texas; is a fine, eligible and healthy place, surrounded by a fine farming country; said city is second, in point of size and business importance, only to the cities of Galveston and San Antonio, and surrounded by a highly intelligent and enterprising people.

Before the first meeting of the Legislature in 1870, the city of Waco will be connected with the Texas Central Railroad, by a tap or link road; if, in fact, the said Central railroad does not run to the city itself, thus securing the future Capital of Texas connection with all the railroads in Texas and the United States.

The place is far enough from the coast to remain forever free from those terrible epidemics that of late years have almost sacrificed the coast and immediate towns.

Second. Our University Fund, now amounting at least to one million six hundred thousand dollars, lies idle and unemployed; nay, more, is being rapidly squandered; all efforts to locate an University in Texas, for the last fifteen years, have proved in vain, from the very fact that the locality could not be agreed upon by the Legislature of the State; and, judging the future by the past, we think it safe to say, that if this Convention does not now locate the same, it never will be done.

The only satisfactory method of doing this is, we think, that of increasing the fund, by lands or State bonds, to three millions two hundred thousand dollars, and locating two branches thereof.

A division of the State of Texas having failed for the present, and the time for which the present seat of government of Texas is fixed expiring in 1870, it is nothing but natural in the people of Texas to desire that the Capital thereof shall be in the center, and that the eastern part of the State have one branch of the University, and the western the other.

We, therefore, report back the declaration, and ask its passage.

H. C. HUNT,
Chairman pro tem.

Be it declared, That the following shall be a section of the new constitution of Texas:

SEC. —. From and after the year 1870, Waco, McLennan county, Texas, shall be the Capital of the State of Texas; and that the University Fund of Texas shall be equally divided and increased double its present amount, by the Legislature of Texas, and two universities established; the one at Tyler, Smith county, Texas, the other at San Antonio, Bexar county, Texas.

Mr. Carter, from the Committee on Political and Legislative, offered the following report:

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Political and Legislative Department, having given careful consideration to the matter relating to that department of the Constitution, presents the result of its labors in the article now proposed for the consideration of the Convention.

Several changes have been made in, and a few new clauses added to the constitution of 1845, that instrument being the basis of the report now presented.

Your committee, having in view the many difficulties that surround the question of "Franchise," has endeavored to so frame that clause that, while it shall give full protection to the loyal element, it shall do no injustice to those who are wavering in their attachment to the government.

The Committee on Apportionment not having reported, blanks are left, in the proper places, to be filled up when that committee makes its report.

All of which is respectfully submitted.

CARTER,
Chairman.

POLITICAL AND LEGISLATIVE.

SECTION 1. *Be it declared by the people of the State of Texas in Convention assembled,* That the following sections shall be a part of the Constitution of the State of Texas.

PRIVILEGES OF ELECTORS.

SEC. 2. Electors, in all cases, shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

THE LEGISLATURE—STYLE OF LAWS.

SEC. 3. The legislative power of this State shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives, and both together the "Legislature of the State of Texas." The style of (all) the laws shall be, "Be it enacted by the Legislature of the State of Texas."

REPRESENTATIVES—TERM OF OFFICE—BIENNIAL SESSIONS.

SEC. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be four years from the day of the general election; and the sessions of the Legislature shall be biennial, at such times as shall be prescribed by law.

QUALIFICATIONS FOR REPRESENTATIVES.

SEC. 5. No person shall be a Representative unless he be a citizen of this State, and shall be a qualified elector at the time of his election.

ELECTIONS GENERALLY.

SEC. 6. All elections by the people shall be held at such time and places. in the several districts, counties, cities or towns, as are now or may hereafter be designated by law.

SEC. 7. The Representatives' Districts shall be as follows:

SEC. 8. The House of Representatives shall consist of ninety members, and no more.

SENATORS—THEIR TERM OF OFFICE—CLASSIFICATION OF.

SEC. 9. The Senators shall be chosen by the qualified electors, hereafter, for the term of six years. Those elected at the first election shall be divided by lot into three classes, as nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years, and the third class at the expiration of six years; so that one-third thereof shall be chosen biennially thereafter.

NEW SENATORS—HOW CLASSIFIED.

SEC. 10. Such mode of classifying new additional Senators shall be observed as will, as nearly as possible, preserve an equality of number in each class.

SEC. 11. The Senate shall consist of thirty-three Senators, and no more.

SEC. 12. The Senatorial Districts shall be as follows:

SEC. 13. A new apportionment for Representative and Senatorial Districts shall be made by the first Legislature in session after the official publication of the United States census, every ten years.

SENATORIAL DISTRICTS.

SEC. 14. When a Senatorial District shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

QUALIFICATIONS FOR SENATORS.

SEC. 15. No person shall be a Senator unless he be a citizen of the United States, and of this State, and shall have attained the age of twenty-five years.

SEC. 16. The districts for Representatives to Congress shall be as follows until changed by law:

SEC. 17. No person shall be eligible to any office, State, county or municipal, who is not a registered voter in this State.

ORGANIZATION OF THE TWO HOUSES—QUALIFICATIONS—CONTESTED ELECTIONS—QUORUM—ADJOURNMENTS.

SEC. 18. The House of Representatives, when assembled, shall elect a Speaker and its other officers, and the Senate shall choose a President for the time being, and its other officers. Each House shall judge of the qualifications and elections of its own members, but contested elections shall be determined in such manner as shall be directed by law. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

RULES.—POWER OVER MEMBERS.

SEC. 19. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and with the consent of two-thirds expel a member, but not a second time for the same offense.

JOURNALS.

SEC. 20. Each House shall keep a Journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journals.

MEMBERS DISSENTING MAY, &C.

SEC. 21. Any member of either House shall have liberty to dissent from, or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals.

VACANCIES IN THE LEGISLATURE.

SEC. 22. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies: and should the Governor fail to issue a writ of election to fill such vacancies, the returning officer for the district or county shall be authorized to order an election for that purpose.

MEMBER'S PRIVILEGES.

SEC. 23. Senators and Representatives shall, in all cases except in treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

PUNISHMENTS.

SEC. 24. Each House may punish by imprisonment during the session any person, not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings: provided, such imprisonment shall not any one time exceed forty-eight hours.

OPEN DOORS.

SEC. 25. The doors of each House shall be kept open.

SEC. 26. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

PASSAGE OF BILLS.

SEC. 27. Bills may originate in either House, and be amended, altered, or rejected by the other; but no bill shall have the force of a law until on three several days it be read in each House, and free discussion be allowed thereon, unless in case of great emergency four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both Houses shall be signed by the Speaker and President of their respective Houses; provided, that the final vote on all bills or joint resolutions appropriating money or land for any purpose, shall be on yeas and nays.

INDIVIDUAL REAL ESTATE NOT TO BE SOLD BY ANY PRIVATE OR SPECIAL LAW.

SEC. 28. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any road laid out by legal authority, or any street in any city or village, or in any recorded town plat, but shall provide for the same by general laws.

BILLS FOR REVENUE.

SEC. 29. All bills for raising revenue shall originate in the House of Representâtives, but the Senate may amend or reject them as other bills.

REJECTED BILLS.

SEC. 30. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

SALE OF LOTTERY TICKETS PROHIBITED.

SEC. 31. The Legislature shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

COMPENSATION OF MEMBERS.

SEC. 32. Each member of the Legislature shall receive from the public Treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

INELIGIBILITY OF MEMBERS TO OTHER OFFICES.—PRESIDENT PRO TEM. OF SENATE.—SPEAKER OF THE HOUSE.

SEC. 33. No Senator or Representative shall, while a member of the Legislature, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which may have been increased during such term; and no member of either House of the Legislature shall, while a member of the Legislature, be eligible to any office or place, the appointment to which may be made in whole or in part, by either branch of the Legislature; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided. The President for the time being of the Senate, and Speaker of the House of Representatives, shall be elected from their respective bodies.

HOLDERS OF LUCRATIVE OFFICES INELIGIBLE.—NO TWO OFFICES OF TRUST OR PROFIT TO BE HELD BY THE SAME PERSON.

SEC. 34. No Judge of any court of law or equity, Secretary of State, Attorney General, Clerk of any court of record, Sheriff, or Collector, or any person holding a lucrative office under the United States or this State, or any foreign government, shall be eligible to the Legislature, nor shall at the same time hold or exercise any two offices, agencies or appointments of trust or profit under this State, provided, that offices of militia to which there is attached no annual salary, the office of postmaster, notary public, and the office of justice of the peace, shall not be deemed lucrative; and that one person may hold two or more county offices, if so provided by the Legislature.

COLLECTORS AND HOLDERS OF PUBLIC MONEY INELIGIBLE.

SEC. 35. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

CERTAIN ELECTIONS GENERAL.

SEC. 36. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

APPORTIONMENT OF SENATORS.

SEC. 37. The whole number of Senators shall, at the next session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen, nor more than thirty-three.

COMPENSATION OF MEMBERS OF LEGISLATURE.

SEC. 38. The members of the Legislature shall, at their first session hereafter, receive from the Treasury of the State, as their compensation, eight dollars for each day they shall be in attendance, and eight dollars for each twenty-five miles in traveling to and from the seat of government. The above rates of compensation shall remain till changed by law.

IN CONTESTED ELECTIONS, WHO ARE ENTITLED TO PAY.

SEC. 39. In case of a contested election, only the claimant decided entitled to the seat, in either House in which the contest may take place, shall receive from the State per diem compensation and mileage.

SENATORS, THEIR ELECTION, &C.—ADOPTION OF THE 14TH ARTICLE OF AMENDMENT TO THE CONSTITUTION.

SEC. 40. The Legislature shall proceed, as early as practicable, to elect Senators to represent this State in the Senate of the United States, and also provide for future elections of Representatives to the Congress of the United States; and on the second Tuesday after the first assembling of the Legislature after the ratification of this Constitution, the Legislature shall proceed to ratify the proposed 14th Article of Amendment to the Constitution of the United States of America.

APPROVAL OF BILLS AND RESOLUTIONS BY THE GOVERNOR.

SEC. 41. Every bill and concurrent resolution, except of adjournment, passed by the Legislature, shall be presented to the Governor for approval before it becomes a law. If he approve, he shall sign it: if not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and reconsider it. On such reconsideration, if a two-third majority of the members elected agree to pass the bill, it shall be sent with the objections to the other House, by which it shall be reconsidered. If approved by a two-third majority of the members elected to that House, it shall become a law. In such cases the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill be not returned by the Governor within five days, (Sundays excepted,) after it has been presented to him, the same shall become a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not become a law. The Governor may approve, sign and file in the office of the Secretary of State, within five days after the adjournment of the General Assembly, (or Legislature,) any act passed during the last three days of the session, and the same shall become a law.

WHO ARE CITIZENS OF THE STATE OF TEXAS.

SEC. 42. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, and aliens who have declared their intention to become citizens of the United States, and actually residing in the State, are citizens of the State of Texas.

WHO ARE QUALIFIED VOTERS—REGISTRATION OF VOTERS MUST BE MADE THIRTY DAYS BEFORE AN ELECTION TO ENTITLE THEM TO A VOTE.

SEC. 43. From and after the acceptance of this Constitution by the Congress of the United States, every male citizen of this State, who shall be twenty-one years old and upward—Indians who are not taxed, excepted—provided he make oath that he has not been convicted of felony at common law, nor is disqualified by the laws of the United States, nor by participation in the late rebellion, shall be entitled to have his name entered on the registration list; and when such entry shall have been made at least thirty days previous to the election for which he offers to vote, he shall be deemed a qualified elector for the State, district, county or corporation where his name is registered.

WHO SHALL CONSTITUTE A BOARD OF REGISTRATION.

SEC. 44. It shall be the duty of the police, or county court, in every organized county, to perform the duties of a Registration Board, under such regulations as the Legislature may hereafter direct.

EVERY PERSON APPLYING FOR REGISTRATION HEREAFTER MUST TAKE AN OATH, ETC.

SEC. 45. Every person making application for having his name entered on the registration list, shall swear and subscribe to the following oath: I ——— ———, do solemnly swear (or affirm,) that I am a citizen of the United States, that I have resided in this State six months next preceding this day, (or, that I am a citizen of this State, that I have declared my intention of becoming a citizen of the United States, and resided in this State twelve months preceding this day,) and now reside in the county of ———; that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State, or of the United States; that I have never been a member of any State Legislature, nor held any executive or judicial office in any State, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have not voted as a member of any Convention or Legislature in favor of an Ordinance of Secession; that I was not a member of any secret order hostile to the government of the United States; that, as a minister of the Gospel or editor of a newspaper, I did not advocate secession, nor did I support rebellion and war against the United States; and that I will faithfully support the Constitution and obey the laws of the United States, and of this State, and will, to the best of my ability, encourage others so to do. So help me God.

LEGISLATURE HAS THE POWER TO REMOVE DISABILITIES.

SEC. 46. The Legislature shall have the power, with a two-third vote of all the members of both Houses, to remove the political disabilities as specified in the above oath.

WHEN DISABILITIES ARE CONSIDERED REMOVED.

SEC. 47. The recommendation of the Convention to the Congress of the United States for pardon, shall be considered equivalent to removal of political disabilities by the Legislature, and any person thus enfranchised shall, before registering his name, swear and subscribe to the following oath: I, ..., do solemnly swear, (or affirm.) that I am a citizen of the United States, that I have resided in this State six months next preceding this day, (or, that I am a citizen of this State, that I have declared my intention of becoming a citizen of the United States, and resided in this State twelve months next preceding this day,) and now reside in this county; that I am twenty-one years old; that I am not disfranchised for committing a crime punishable in the penitentiary; that I am relieved of all political disabilities by the Legislature of this State and by the Congress of the United States; that since the adoption of this Constitution I was not a member of any secret order hostile to the United States, and that I will faithfully support the Constitution and obey the laws of the United States, and of this State, and will, to the best of my ability, encourage others so to do. So help me God.

On motion the reading of the report was dispensed with and ordered to be printed.

Mr. Burnett offered the following resolution:

WHEREAS, it is reported that a member of this Convention has, in violation of the constitution and laws of the State of Texas, sent a challenge to another member of this Convention to fight a duel, and whereas justice to said member and this Convention requires that the facts be known; therefore

Resolved, That a committee of three be appointed by the president to inquire into the facts and report by resolution or otherwise.

Mr. Burnett moved a suspension of the rules to take up resolution.

Lost.

Mr. Butler moved a suspension of the rules for consideration of report of the Committee on Penitentiary.

Carried.

Mr. Lindsay moved that the report be referred to the Committee on State Affairs.

Carried.

Mr. Sumner offered the following resolution:

WHEREAS, a great many members of this Convention have good and sufficient cause to complain in regard to their mail being taken out of their boxes without their knowledge or consent; therefore be it

Resolved, That any person interfering, or taking the mail of any member of this Convention, when not authorized so to do, will be considered extremely officious and deserves the displeasure of this Convention.

Mr. Sumner moved a suspension of rules for the consideration of the resolution.

Lost.

Mr. Burnett offered the following resolution:

Resolved, That this Convention will henceforth confine its labors and deliberations to the framing of a constitution for the people of Texas, unless otherwise authorized or instructed by the Congress of the United States; and that all declarations, resolutions, and matters whatever of a legislative character, or not pertaining to the organic law of the State, are hereby indefinitely postponed.

Mr. Slaughter moved to reject the resolution, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Armstrong of Lamar, Bell, Board, Brown, Buffington, Butler, Carter, Cole, Constant, Downing, Evans, of Titus, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harris, Harn, Hunt, Jordan, Kealy, Kuechler, Leib, Long, McCormick, McWashington, Mundine, Newcomb, Oaks, Pedigo, Phillips of Wharton, Slaughter, Smith of Galveston, Varnell, Vaughan, Watrous, Wilson, of Brazoria, Wright—39.

Nays—Messrs. President, Adams, Armstrong of Jasper, Bledsoe, Bryant of Grayson, Bryant of Harris, Burnett, Coleman, Curtis, Degener, Evans, of McLennan, Gaston, Glenn, Grigsby, Horne, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kendal, Lindsay, Mackey, Morse, Muckleroy, Mullins, Munroe, Patten, Phillips of San Augustine, Posey, Rogers. Scott, Sumner, Thomas, Whitmore, Wilson, of Milam, Yarborough—35.

So the Convention rejected the resolution.

Mr. Bryant, of Harris, offered the following resolution, and asked its reference to the Committee on State Affairs.

Resolved, That any person charged with having committed a capital offence shall not be discharged or admitted to bail by a justice of the peace, after examination by such justice of the peace.

It was so referred.

The president announced the unfinished business of yesterday was upon motion to re-commit section 7 of the report of the Executive Committee, then under consideration.

The Convention refused to re-commit.

Mr. Flanagan moved the previous question upon the adoption of section 7.

Previous question seconded.

Mr. Slaughter moved call of the House.

Call sustained.

Absentees—Smith of Marion, Stockbridge and Talbot—3.

The president announced that the hour had arrived for the consideration of the report of the Committee on General Provisions.

Mr. Hamilton, of Travis, moved to postpone the consideration of the report until next Monday, the 3d of August, at 10 o'clock.

Carried.

Absentees reported.

The question recurred: "Shall the main question be now put?" upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Brown, Buffington, Burnett, Carter, Cole, Coleman, Constant, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy Mullins, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Varnell, Vaughan, Whitmore, Williams, Wilson of Brazoria, Wright—49.

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Bryant, of Grayson, Bryant of Harris, Butler, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Harris, Hunt, Johnson of Harrison, Kendal, Keuchler, Leib, Lippard, Long, Morse, Mundine, Newcomb, Oats, Patten, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Watrous, Wilson of Milam—35.

So the main question was ordered.

The question recurring upon the adoption of section 7, as amended, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Board, Brown, Boyd, Buffington, Burnett, Carter, Cole, Coleman, Constant, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Varnell, Vaughan, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—50.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Grayson, Bryant of Harris, Butler, Curtis, Degener, Downing, Foster, Goddin, Harris, Hunt, Jordan, Kendal, Keuchler, Leib, Lippard, Long, Morse, Mundine, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Watrous, Wilson of Milam—35.

So section 7 was adopted.

Mr. Evans, of McLennan, moved a reconsideration of the vote upon the adoption of section 7.

Mr. Flanagan moved to lay the motion upon the table.

Mr. Evans, of McLennan, moved a call of the House.

Call sustained.

Absentees—Messrs. Butler, Gaston and Varnell.

Absentees reported.

Upon the motion of Mr. Flanagan to lay the motion to reconsider upon the table, the yeas and nays were demanded and resulted thus:

Yeas—Messrs Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Brown, Buffington, Burnett, Carter, Cole, Constant, Evans of Titus, Fayle, Flanagan, W. Flanagan, Flemming, Gaston, Glenn, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mullins, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Varnell, Vaughan, Williams, Wilson of Brazoria, Wright—47.

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Bryant of Grayson, Bryant of Harris, Butler, Coleman, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Harris, Hunt, Johnson of Harrison, Kendal, Kuechler, Leib, Lippard, Long, Morse, Mundine, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Watrous, Whitmore, Wilson of Milam, Yarborough—38.

So the motion to reconsider was laid upon the table.

Mr. Burnett moved the adoption of section 8.

Mr. Hamilton moved to amend by inserting after the word "place," in the third line of section 8, the words "within the State."

Amendment adopted.

The question recurred upon the adoption of section 8, as amended.

It was adopted.

Mr. Munroe offered the following amendment to section 9:

Insert in second line instead of the word "their" the word "its."

The amendment was lost.

The Convention adopted section 9.

On motion, section 10 was adopted.

Mr. Evans, of McLennan, offered the following amendment to section 11:

Strike out words "except treason and impeachment," in line one.

Mr. Sumner moved that the amendment be laid upon the table.

Carried.

Mr. Evans, of McLennan, offered the following amendment:

Section 11, line one, strike out the words "after conviction."

Mr. Sumner moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Grigsby, Hamilton of Travis, Harn, Johnson, of Harrison, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Leib, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Phillips, of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—55.

Nays—Messrs. Bell, Bledsoe, Bryant, of Harris, Curtis, Degener, Downing, Evans, of McLennan, Harris, Hunt, Kendal, Kuechler, Lindsay, Lippard, Long, Newcomb, Oaks, Patten, Posey, Ruby, Schuetze, Smith of Marion, Thomas,—22.

So the amendment was laid upon the table.

Mr. Evans, of McLennan, offered the following amendment:

In section 11, strike out the proviso.

The Convention refused to adopt the amendment.

Mr. Sumner offered the following amendment:

In section 11, amend by striking out all of line three, excepting four first words, and all of lines four and five.

The question recurring upon the adoption of the amendment, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bryant, of Harris, Goddin, Harn, Lippard, Long, Newcomb, Oaks, Patten, Ruby, Smith of Marion, Sumner—11.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W.

Flanagan, Fleming, Foster, Gaston, Glenn, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson, of Milam, Wright—64.

So the Convention refused to adopt the amendment.

Mr Scott offered the following amendment:

In third line, between "of" and "the," insert "three-fourths."

Mr. Munroe moved to lay the amendment upon the table.

Carried.

Mr. Burnett offered the following amendment:

In third line, after "forfeitures," add "excepting costs."

The question recurred upon the adoption of the amendment.

It was not agreed to.

Section 11, upon motion, was adopted.

Section 12, upon motion, was adopted.

Section 13, upon motion, was adopted.

Section 14, upon motion, was adopted.

Mr. Evans, of McLennan, offered the following amendment to section 15:

Strike out "there shall also be elected by the qualified voters of the State," and insert "the Governor shall appoint."

Upon motion, the amendment was laid upon the table.

Mr. Long, of Freestone, offered the following substitute for section 15:

That no person shall be eligible to the office of Governor or Lieutenant Governor, Commissioner of General Land Office, Treasurer, Comptroller, Secretary of State, or Attorney General, unless such person shall have owned twenty slaves, and that any such person offering as a candidate for any of the above offices shall not be less than thirty years of age, and have resided in the State at least thirty years next preceeding his election; and that no election shall be held in this State for any office except for that of Governor; provided, that no person of African or Dutch descent shall be eligible to vote at any election in this State. And provided, That the Governor shall have the right to appoint all the officers of this State, and the officers so appointed shall possess the same qualifications as the Governor.

Mr. Hamilton, of Travis, moved that the substitute be rejected.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Lindsay, Lippard, McCormick, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wilson of Milam, Wright, Yarborough—71.

Nays—Messrs. Bledsoe, Boyd, Brown, Coleman—4.

So the substitute was rejected.

Section 15, on motion, was adopted.

Mr. Wright offered the following amendment to section 16.

Strike out the words "twenty-five hundred dollars per annum," and insert "fixed by the Legislature."

Upon motion, the amendment was laid upon the table.

Mr. Sumner offered the following amendment:

Amend by inserting the words "two thousand," in the place of "twenty-five hundred."

Mr. Degener moved to lay the amendment upon the table.

Carried.

Mr. Thomas moved that section 17, of the original report, be substituted for section 16.

The question recurring upon the adoption of the substitute, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Coleman, Curtis, Downing, Evans of Titus, Flanagan, Fleming, Foster, Gaston, Glenn, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Long, McWashington, Mills, Morse, Muckleroy, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Milam, Wright—53.

Nays—Messrs. President, Adams, Boyd, Butler, Carter, Degener, Evans of McLennan, Fayle, W. Flanagan, Hunt, Johnson of Calhoun, Keuchler, Lippard, McCormick, Newcomb, Oaks, Slaughter, Smith of Marion, Sumner, Williams, Wilson of Brazoria —21.

So the substitute was adopted.

Mr. Pedigo offered the following amendment:

Amend by striking out the whole of section 16, and inserting in lieu thereof the following, viz:

SEC. 16. The President of the Senate shall be *ex-officio* Lieutenant Governor, and in case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified, or until the Governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed.

By leave of the Convention, the amendment was withdrawn.

[Mr. Evans, of McLennan, in the chair.]

Mr. Davis, of Nueces, offered the following amendment:

Amend by inserting after words "shall be," on third line, the words, "twice the per diem or pay of a Senator," and strike out the words "the same as that of the Speaker of the House of Representatives."

Upon motion, the amendment was adopted.

On motion, section 16, as amended, was adopted.

On motion the Convention adjourned until to-morrow morning, at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
July 30, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Hunt, from the Committee on State Affairs, made the following report and accompanying declaration:

COMMITTEE ROOM,
Austin, Texas, July 30, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: A majority of your Committee on State Affairs, to whom was referred the declaration introduced by the Hon. T. H. Mundine, of the county of Burleson, to extend the right of suffrage to all citizens of the State over the age of twenty-one years, possessing the requisite qualifications for electors, have examined with much care said declaration, and considered the object sought to be accomplished, and have arrived at the conclusion that said declaration ought to be a part of the organic law.

It was said by George Washington that the safety of republican governments depends upon the virtue and intelligence of the people. This declaration is not a new theory of government; for the first time proposed to be made a part of our republican institutions, the idea of extending the elective franchise to females has been extensively discussed both in Great Britain and in the United States.

Your committee are of the opinion that the true basis of republican government must ever depend on the wisdom and virtue of the people.

In this State our system of jurisprudence is a combination of the civil and Spanish law, intermixed with the common law of England: and this peculiar system, just in all its parts for the preservation of the rights of married and unmarried women, is likely to be continued.

The time was when woman was regarded as the mere slave of man; but that time was when ignorance prevailed, and learning was confined to the few. It was believed, in order to perpetuate the pretended Divine right of kings to rule, that the mass of the people should be kept in profound ignorance, and that woman was not entitled to the benefits of learning at all.

It is not remarkable that as the benign principles of Christianity have been promulgated, that free government has steadily progressed, and the natural and Divine rights of woman have been recognized.

That government from which we borrowed the main principles of our free constitution, and from which we wrested our independence, even to this day, though its soil is dedicated to freedom, its people enlightened and christianized, yet it maintains that the individuality of woman, upon marriage, is lost and swallowed up in the superiority of man.

The principles of the common law have gradually given way to our more advanced ideas of civilization. Under the system of laws now in force in many of the States of the American Union, the natural rights which appertain to human intelligence are guarded and protected by the organic and statute laws of the States.

The old Constitution of the Republic of Texas, the Constitution of the State of Texas of 1845, the laws enacted for the protection of married women, the many learned decisions of the Supreme courts of Texas and Louisiana, and other courts, clearly indicate that the march of intelligence is onward, and that our advanced civilization has approximated to the period when other and more sacred rights are to be conceded.

Is it just that woman, who bears her reasonable portion of the burdens of government, should be denied the right of aiding in the enactment of its laws?

It may be truly said that all just governments are founded on the consent of the governed; yet woman has no voice, and her individuality is lost.

The present generation has more educated women than men, as teachers, as writers, as operators, as clerks, in fact, in every department of life; in faith, in virtue, in knowledge, in sagacity, in the practice of pure religion, we give it as the result of human experience that woman is the equal and, in many respects, superior to man.

When was it, when a down-trodden people were struggling for freedom of thought, of speech, of action, and, above all, the freedom of conscience, that neglected and always faithful woman failed to keep the fires of patriotism continually burning?

In no age, country or clime, though woman was almost accounted a servant, has her devotion, patriotism, integrity and self-sacrificing disposition been less than that of man.

In all great moral reforms and distribution of universal charity, in the diffusion of knowledge and virtue, woman has borne well her part.

When the blood of the Savior was poured out upon the mount, she was the last to linger about the cross, and the first at the tomb of the resurrected Lord.

The question of extending the freedom of the ballot to woman, may well claim the attention of the law-maker; and in view of the importance of the subject, a majority of your committee earnestly recommend the passage of the declaration.

H. C. HUNT, Chairman.
T. H. MUNDINE,
BENJAMIN S. WATROUS,
WM. H. FLEMING,
L. P. HARRIS.

DECLARATION

Be it declared by the people of Texas in Convention assembled, That the following shall be a section of the Constitution of the State of Texas, known as —— section of —— article:

Every person, without distinction of sex, who shall have arrived at the age of twenty-one years, and who shall be a citizen of the

United States, or is, at the time of the adoption of this constitution by the Congress of the United States, a citizen of the State of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he or she offers to vote (Indians not taxed excepted) shall be deemed a qualified elector; and should such qualified elector happen to be in another county, situated in the district in which he or she resides at the time of an election, he or she shall be permitted to vote for any district officer; *provided*, that the qualified electors shall be permitted to vote anywhere in the State for State officers; and *provided, further*, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by the constitution.

Mr. Adams, from the Committee on State Affairs, made the following minority report:

Hon. E. J. DAVIS,
President Convention:

SIR: We, the undersigned, members of Committee on State Affairs, after examining the declaration presented by Mr. Mundine on female suffrage, respectfully present this minority report, and unhesitatingly state that we are opposed to female suffrage; not because we think them of less capacity than men, but, forsooth, we think that by the very law of their nature they are transcending above an active participation in the government of the country, and because of their native modesty and inborn refinement of feeling, causes every true woman to shrink from mingling in the busy noise of election days. They are conscious that they exercise, by keeping themselves in their appropriate spheres, and by exhibiting all those gentle qualities directly opposed to the rougher sex in their capacities as wives and mothers, an influence mightier, far, than that of the elective franchise. We are opposed to it, further, because we believe that the good sense of every true woman in the land teaches her that granting them the power to vote is a direct, open insult to their sex, by the complication that they are so unwomanly as to desire the privilege.

We, therefore, believe that such a declaration should not pass this body of gentlemen.

P. P. ADAMS,
A. BUFFINGTON.

Mr. Armstrong of Jasper, from Committee on Political or Legislative, made the following minority report:

Hon. E. J. DAVIS,
President of the Convention:

The undersigned, being a minority of the Committee on Legislation, respectfully dissent from so much of the report of the majority and accompanying declaration as proposes to exclude citizens of our State from the privilege of suffrage for participation in the late rebellion, and so dissent for many reasons, some of which are the following:

We believe that the reconstruction acts of Congress are in the nature of a bill of attainder against this State, and against a very large majority of the citizens thereof, and said acts are *ex post facto* in their enactment and intended operation, and in conflict with the Constitution of the United States, which prohibits Congress passing bills of attainder and *ex post facto* laws; and therefore this Convention can derive no power from said reconstruction acts by which to abridge or deprive this State, and the people thereof, of the right of suffrage, or any privileges connected therewith, for participation in the late rebellion.

The undersigned further hold to the belief that neither the fourteenth article of amendment, or the said reconstruction acts, authorize this Convention to interrupt or defeat any citizen in the exercise of the privilege of suffrage, by him heretofore enjoyed, for participation in the late rebellion; nor can any citizen be in any manner charged and adjudged without due course of law.

The undersigned hold to the principle that all men are presumed innocent till declared guilty by due course of law, and that no citizen of the United States can be charged by this Convention for rebellion against the government of the United States, nor prosecuted by the government of the United States, for participation in the late rebellion, after three years from the termination of the same.

If the citizens of our State were ever liable to prosecution by the government of the United States for participation in the late rebellion, then we say that all have been fully acquitted and discharged therefrom by the executive proclamations of amnesty and pardon of December 8, 1863, March 26, 1864, May 29, 1865 and July 4, 1868.

Some contend that the government of the United States obtained Texas by conquest from the *de facto* government of the Confederate States, and if that be true (which is not admitted by us), we hold that the people of Texas, as citizens of said *de facto* government, parted with to the United States nothing more than their allegiance to said *de facto* government, according to the usages of nations.

And we say further, that the Confederate authorities did not surrender at discretion, but on terms specified in their treaty of surrender, and which terms have been complied with, and being citizens of the United States by operation of said treaty or treaties, neither by the action of Congress or of this Convention can they be disturbed or defeated in the exercise of all the rights and privileges of citizens of the United States and of this State, including suffrage, for participation in the late rebellion.

It is, therefore, our deliberate opinion, that every male citizen of this State, of European or Mexican origin, who is twenty-one years old, is as legally and fully entitled to exercise the privilege of suffrage as Thaddeus Stevens, of Pennsylvania, and we therefore recommend that so much of said majority declaration as provides for the exclusion of persons from the privilege of suffrage for participation in the late rebellion, or for being in any manner connected therewith, be stricken out.

Respectfully,
ARMSTRONG OF JASPER,
WEBSTER FLANAGAN.

Mr. Armstrong of Jasper made the following additional report:

Hon. E. J. DAVIS,
President of the Convention:

The undersigned, being one of the Committee on Legislation, respectfully dissents from the report of the majority, and accompanying declaration, proposing to invest negroes with the privileges of citizenship and suffrage, and say it is my opinion that all political power ought to be and remain exclusively with the races of European and Mexican origin, as heretofore, and that the civil rights of negroes should be subject to the control of future legislation, and the undersigned holds to the belief that negroes are without sufficient understanding for the proper exercise of this privilege of suffrage: are only capable of being the instruments of power in the hands of the white race, to the destruction of good government.

The undersigned has based his conclusions of negro incapacity on many grounds, but at present will refer to the size of his brain, the average of which is sixty-six cubic inches, whilst the average of the East Indian is eighty-four, and of the white man ninety-six, as found by scientific Frenchmen in their measurement of one thousand of each race; and I also refer this Convention to the history of the negro race since creation.

And the undersigned believes, that owing to the great physical and mental difference between the white and negro races, they can not, ought not, to be connected in the exercise of political power, and believes that the same municipal regulations are not, can not, be adapted to the white and black races, and that the equality of these races is impracticable and inconsistent with God's Providence.

And the undersigned further says, that it is his opinion that the reconstruction acts of Congress, and such action as may be had by this Convention in controlling the question of suffrage, by virtue of said acts, are in direct conflict with the reserved rights of the State and the people thereof.

Therefore respectfully submit the accompanying as substitute for so much of the majority declaration as declares who shall be citizens of the State, and who shall be qualified voters.

Respectfully,
ARMSTRONG OF JASPER.

SUBSTITUTE.

That all persons (except Indians not taxed, and Africans and descendants of Africans,) born or naturalized in the United States and subject to the jurisdiction thereof, and aliens (Africans and descendants of Africans excepted,) who have declared their intention to become citizens of the United States, and actually residing in this State, are hereby declared citizens of the State of Texas.

That every male person who is a citizen of the United States and of this State, who shall have resided in this state ——————— next preceding an election, and ——————— within the district or county in which he offers to vote (Indians not taxed, Africans and descendants of Africans excepted), shall be deemed a qualified elector; and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer; provided, that the qualified elector shall be permitted to vote anywhere in the State for State officers; and provided further, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this Constitution.

Mr. Pedigo made the following report from the Committee on Counties and County Boundaries:

COMMITTEE ROOM,
Austin, Texas, July 27, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR. I am instructed by the Committee on Counties and County Boundaries to submit the following declaration and ordinance for the creation of new counties, in accordance with a resolution adopted by this Convention, to report by a general declaration such new counties as ought to be created.

Your committee have carefully considered the various memorials from the people, asking for the creation of new counties for their convenience, and find no reason why the prayer of the petitioners should not be granted. Government is designed for the prosperity, happiness and convenience of the people, and inasmuch as counties of convenient size are necessary to the convenience of the people, who are to bear the burden of taxation, I am directed by the committee to earnestly recommend the adoption of the ordinance herewith presented.

H. C. PEDIGO,
Chairman.

Reading of the following declarations dispensed with, and ordered printed:

A DECLARATION

Creating the county of Webster.

SECTION 1. *Be it resolved by the people of Texas in Convention assembled:* That a new county to be called Webster, is hereby established out of portions of the counties of Fannin and Lamar, bounded as follows, to-wit:

Beginning at a point on the south boundary line of Lamar county. seven miles east of its west boundary line, thence north to Red River, thence west with the meanders of said river to the mouth of Bois d' Arc creek and with the meanders of said creek to a point ten miles west of the east boundary line of Fannin county, thence south to the south boundary line of Fannin county, thence east with the south boundary line of Fannin and Lamar counties, to the place of beginning.

SEC. 2. *Be it further declared*, That it is hereby made the duty of the people of said county of Webster to proceed to organize said county in strict conformity to an act entitled "an act approved March 20th, 1848, for the organization of new counties."

SEC. 3. *Be it further declared*, That it shall be the duty of the county court of Fannin county, as soon as convenient after the passage of this declaration, to organize the said county of Webster by holding elections for the purpose of electing all county officers, or recommending suitable persons to the Commander of the 5th Military District to fill said offices.

SEC. 4. *Be it further declared*, That it shall be the duty of the people of said county, after its organization is completed, to hold an election for the purpose of locating the county site, and a majority voting in said election shall determine the location of said county site.

SEC. 5. *And be it further declared*, That in all general elections the people shall vote with the counties from which they were taken until said county of Webster shall be entitled to separate representation.

SEC. 6. *Be it further declared*, That that portion of the people of Webster county, formerly contained in Lamar county, shall pay *pro rata* their proportion of the public debt, due by Lamar county, at the adoption of this declaration, to be ascertained by commissioners appointed for that purpose by the county courts of Webster and Lamar counties.

SEC. 7. *Be it further declared*, That this *pro rata* tax, hereinbefore mentioned, shall be collected in accordance with the plan adopted by Lamar county, for the extinguishment of its public debt. *Provided*, however, that the county court of Webster county shall only enforce the collection of twenty-five per cent. annually, of the *pro rata*. And, provided further, that no tax shall be levied for this purpose prior to the year 1869.

SEC. 8. *Be it further declared*, That section —, of this declaration be so amended as to read, "Honey Grove is hereby declared to be the county site of Webster county."

SEC. 9. *Be it further declared*, That this declaration take effect and be in force from and after its passage.

A DECLARATION

Creating the County of Oakland.

SECTION 1. That all the territory comprised within the following lines, shall be a new county, to be called the county of Oakland, to-wit:

Beginning at the point where Denton creek in Gonzales county, unites with Pluck creek in Gonzales county, thence north forty-one degrees, west twenty-four miles, thence north thirty-seven degrees, east sixteen and three-fourth miles, thence south seventy-five and a half degrees, east fourteen and three-fourth miles, thence south thirty-three degrees, east seventeen and three-fourth miles, thence in a direct line to the place of beginning.

SEC. 2. That the town of Hopkinsville, in the present county of Gonzales, shall be the county seat of said county of Oakland.

SEC. 3. That at the first general election hereafter held for county officers, the said county of Oakland shall be organized by the election of such officers as other counties have under the laws of this State, and that William J. Stemberry, N. T. Miller, and K. L. Fry, be and they are, hereby appointed commissioners, with full power and authority to superintend and conduct said election and give certificates to the persons elected.

A DECLARATION

Creating the County of Delta.

SECTION 1. *Be it declared by the people of Texas in Convention assembled:* That all the territory comprised within the following boundaries, shall be a new county, to be called the county of Delta. Beginning in the county of Hopkins at a point the confluence of the north and south Sulphur prongs of Red River, thence south with the south fork of said Sulphur to a point the confluence of south and middle Sulpur, thence up middle Sulphur to the ninety-sixth degree of longitude, thence with said lines north to the point where said line crosses north Sulphur, thence with the meanders of the said north Sulphur to the place of beginning.

SEC. 2. *And be it further declared*, That it is hereby made the duty of the county court of the county of Hopkins, to organize said county of Delta in strict conformity to an act entitled "an act to organize new counties, approved March 20th, 1845.

SEC. 3. *It is hereby further declared*, That it shall be the duty of the people of said county to recommend to the Commanding General of the Fifth Military District, suitable persons to fill all the offices in said county: Provided, however, if no election shall be held for that purpose, then application is to be made to the Military Commander.

SEC. 3. *And be it further declared*, That the qualified registered voters of said county shall locate the county seat; a majority of those voting shall be sufficient for that purpose.

SEC. 4. It shall be the duty of the county court to levy a special tax, which shall not exceed in amount that collected by the laws now in force, and said court is hereby authorized to issue county bonds, payable in five years from the date of issuance. Interest upon said bonds shall be paid yearly. The bonds and taxes so collected to be used in building a court house and jail for said county.

A DECLARATION

Creating the County of Richland.

SECTION 1. *Be it declared by this Convention:* The following territory, to-wit:

Beginning at the north-west corner of Freestone county, Texas, thence running south sixty degrees west to eastern boundary of McLennan county, thence north thirty degrees west with the north-east line of said McLennan county to the north-east corner thereof, thence on a straight line to the south-west corner of Ellis county, thence north sixty degrees east with the south-east line of the same to a point opposite the place of beginning, thence south thirty degrees east to the place of beginning, shall be and constitute a new county to be called the county of Richland.

SEC. 2. That the Commanding General of the Fifth Military District is hereby requested to appoint a county judge, county clerk, and all the other officers to which a county in Texas is entitled in and said county.

SEC. 3. That the county judge or the county commissioners of said county, upon their qualification, shall proceed to select the county site thereof.

SEC. 4. That said county, for the purpose of district court jurisdiction, shall be and remain for the present, a part of Hill county, Texas.

A DECLARATION

Creating the County of White.

SECTION. 1. *Be it declared by the people of Texas in Convention assembled:* That all the territory comprised within the following boundaries, shall be a new county, to be called the county of White, having Pilot Point as county site of said county of White, to-wit:

Beginning on the east bank of Elm Fork of Trinity river, on the south boundary line of a survey made for J. W. Visor, about ten miles north, forty-five degrees east from the town of Denton, thence south-east to the south-west corner of a survey made for T. Button, on Doe branch, thence east to the east boundary line of Denton county and passing said line corner in Collin county, thence north parallel with the west boundary line of Collin county to the north boundary of Collin and passing said line six miles corner in Grayson county, thence west and parallel with the north boundary line of Denton to Elm Fork of Trinity, thence with the meanderings of the stream to the place of beginning.

Sec. 2. *And be it further declared*, That it is hereby made the duty of the county court of Collin county to organize said county of White in strict conformity to an act, entitled an "act to organize new counties, approved March 20th, 1845."

Sec. 3. *It is hereby further declared*, That it shall be the duty of the people of said county to recommend to the Commanding General of the Fifth Military District, suitable persons to fill all the offices in said county; Provided, however, no election shall be held for that purpose.

Mr. Fayle introduced the following declaration, and asked its reference to the Committee on Internal Improvements without reading.

DECLARATION

Incorporating the Bolivar Point and Houston Ship Channel Company.

Be it enacted by the people of Texas in Convention assembled:

Section 1. That R. O. Love, W. J. Hutchins, J. G. Tracy, J. H. H. Perkins, Elias Dibble, A. S. Richardson, J. S. Bachelder, W. A. Daly, M. N. Brewster, S. Harper, Sandy Parker, C. B. Sabin, J. C. C. Winch, J. H. Manly, Richard Allen, J. R. Morris, A. McGowan, Erastus Carter, T. W. House. F. D. Allan, W. R. Baker, C. E. Gregory, H. R. Allen, John Shearn, S. S. Bearce, J. P. Blessing, Charles Chapman, M. J. Elliott, T. H. Scanlon, R. Cohen, M. DeChauncey, Shade Croome and Theodore Behring, of Harris county, T. H. Mundine, of Burleson county, Texas, W. Sprague, of Rhode Island, E. M. Haines and J. A. Logan, of Illinois. and James W. Nye, of Nevada, and their associates and successors, be and hereby are created a body corporate and politic, under the name and style of the Bolivar Point and Houston Ship Channel Company, with the authority in said corporate name to contract, sue and be sued, to plead and be impleaded with, to grant and sell, mortgage, pledge, purchase, receive and hold both real and personal property, to borrow money, and to issue its bonds for the payment thereof, to make by-laws for its regulation and government, and generally to do and perform all such acts and things as may be necessary, proper for, or incident to the fulfillment of its obligations, or the maintenance of the rights under this act accruing, and consistent with the Constitution of the State of Texas.

SEC. 2. That the said company shall have the exclusive right to construct a ship basin in the city of Houston, to such extent as may be requisite for the facilities of commercial purposes, and all wharves necessary thereto; and a ship channel from said basin through Buffalo Bayou, and the waters lying between said bayou and the Gulf of Mexico, to the said Gulf at Bolivar channel, and for the said purpose shall be authorized to perform such dredging, construct such locks, and make such excavations in the said bayou, and on the banks thereof, and in the waters aforementioned, and through the bars which lie in said waters between the mouth of Buffalo Bayou and Bolivar Channel, as may seem to them proper and necessary for the purposes of excavating said basin, and of widening said channel, and deepening said bayou: they shall have the right to remove such portion of earth upon the banks as may be necessary to make said channel from nine to fourteen feet deep, and to make said bayou one hundred and fifty feet wide at its narrowest part; and to make such ship basin of the required extent, and to appropriate such lands as may be necessary for these purposes, making compensation to the owners thereof in accordance with the general railroad law of the State.

SEC. 3. That the said company, after the channel has been constructed to a depth and capacity sufficient for sea-going vessels drawing nine feet of water, to reach the city of Houston, shall be authorized to collect toll of all vessels passing through said channel, or discharging on its margin, such tonnage and wharfage as said company may establish, not to exceed that which the city of Houston is now authorized by law to impose upon all vessels arriving within its limits; and should the city of Houston cede to said company its privilege of collecting tonnage of all vessels navigating Buffalo Bayou within its corporate limits, as hereinafter provided for in this act; then the said company shall also be privileged to collect exclusive tonnage of all vessels navigating said channel and bayou, at a rate not exceeding twice the amount collected by the city of Houston for the whole route, and in similar proportion for fractional parts.

SEC. 4. That the capital stock shall be one million dollars, with the privilege of increasing the same, from time to time, to five million dollars, said stock to be divided into shares of fifty dollars each, five per cent. of which shall be paid on subscription, and the balance in installments of twenty per cent each; provided, that not more than one installment shall be called for every three months. Each share shall entitle the holder to vote in person, or by proxy, at the meetings of said company; said stock only to be transferable on the books of said company, either by the owner or his attorney.

SEC. 5. That upon the completion of the said channel, as provided for in this act, the company shall be entitled to receive from the State such grants of land as are granted to railroads under any act or acts heretofore passed.

SEC. 6. That the city of Houston shall be authorized and privileged in its corporate name to become a subscriber to the stock of said company, in an amount equal to one-third of the capital stock of the same, and to issue her bonds to cover said subscription, payable ten years after date of issuance, and bearing issuance at the rate of seven per cent. per annum, payable semi-annually, with coupons attached representing the same; said bonds to be received by the company at such rate as may be agreed upon between the mayor and board of alderman of the city of Houston and said company; provided, however, that said bonds shall not be issued or subscribed at a less rate than seventy-five cents on the dollar; that said subscription shall only be made by a two-thirds vote of the city council, in conjunction with the mayor; and that the bonds so issued shall bear the seal, and be signed by the city secretary and mayor.

SEC. 7. That upon issuing said bonds, as provided for in the preceding section, the city council shall by ordinance provide for the levying of a special tax, to be collected semi-annually on all property subject to taxation within the city limits, for the payment of the interest on said bonds issued, and the money so collected by tax shall not be used for any other purpose whatsoever; provided that such ordinance levying special tax shall not be enforced unless agreed to by the people at an election held for that purpose, at the Court House, due notice of which election shall have been given two months previous thereto, and the tickets be inscribed "For," or "Against tax for Ship Channel."

SEC. 8. The city of Houston on subscribing to the stock of said company, shall cede to the same all right and privilege existing under the city charter, to collect tonnage of all vessels navigating Buffalo Bayou within the city limits; provided, that all dividends arising to the city upon its stock in said company shall be set apart as a sinking fund for the liquidation of said bonds, and the city shall retire said bonds by consecutive numbers, as fast as said sinking fund shall enable her to do so.

Sec. 9. That the stock held by the city of Houston shall not be transferable, unless the city shall first retire the bonds authorized to be issued under this act; and that the privilege of collecting duties on tonnage ceded to said company shall continue so long as said company shall keep said channel open to a depth of at least nine feet, and to a width of not less than one hundred and fifty feet at its narrowest part; and upon a failure to do so, it shall revert back to the city of Houston; and provided further, that whenever said company shall increase its capital, the city shall be privileged in like manner as hereintofore stated, to subscribe one-third of the increased amount.

Sec. 10. The management of said company shall be confided to a board of eleven directors (exclusive of the mayor, should the city subscribe), consisting of R. O. Love, W. R. Baker, F. D. Allan, C. B. Sabin, John Shearn, W. J. Hutchins, J. C. C. Winch, M. N. Brewster, Richard Allan, L. S. Bearce and J. S. Bachelder, of whom R. O. Love shall be President; C. B. Sabin, Vice President; John Shearn, Secretary, and W. J. Hutchins, Treasurer. Said board of directors shall continue in office until one year after one hundred and fifty thousand dollars have been subscribed and paid in. Thereafter they shall be elected annually by the stockholders from among themselves. And should the city of Houston subscribe to the stock of said company, the mayor shall act as a director, and vote as such at all meetings of the board.

Sec. 11. The directors shall be elected annually from the stockholders, and shall elect from their number a president, vice president, secretary and treasurer; they may also appoint such other officers and agents as they may consider necessary and proper, and require bonds for the faithful performance of their duties; they shall make by-laws for conducting the affairs of the company; and for their own guidance they shall keep, or cause to be kept, accurate records of all their transactions, and the meetings of the company, and of the receipts and disbursements throughout; which books shall be subject at all time to the inspection of the stockholders, and they shall cause to be published in pamphlet form, at least once a year, a full report of the condition, finances and transactions of the company.

Sec. 12. That the said company shall be authorized to construct and own such dredge boats, tugs, machinery, tools, wharves, slips, buildings, or other property, of any and every description, as may be necessary, convenient for, or incident to the prosecution or management of the said ship basin and ship channel; and the directors shall be further authorized to receive subscriptions to the stock of said company in money, land, town lots, real or personal estate of any description, at such valuation as may be determined upon between them and the person subscribing the same, and to hold or alienate the same, or realize money on the same by mortgage or otherwise. But the directors shall not be authorized to issue bonds in any way affecting the dividends to be derived by the city of Houston on its stock, until said bonds of the city shall have been retired; nor shall any bonds affecting the franchise or property of the company be issued by the directors, unless authorized by a vote of three-fourths of the stockholders, at a meeting held for that purpose, after thirty days' notice.

SEC. 13. That the directors of said company shall have power to dispose of the shares in its capital stock in such manner and on such terms as they may deem best for the interests of the company, and that an agreement in writing whereby any one shall become a subscriber for stock may be enforced by said directors in the name of the company in any court having jurisdiction; and that vacancies in the board of directors may be filled by the board from among the stockholders.

SEC. 14. That the dividends arising out of the profits of the company shall be made semi-annually, but no dividend shall be made impairing the capital stock.

SEC 15. That the office of the company shall be located in the city of Houston, and that this act of incorporation shall continue in force for one hundred years, unless sooner forfeited, and shall take effect from the passage of this act.

It was so referred.

Mr. Boyd introduced the following resolution, and asked its reference to the Committee on Counties and County Boundaries.

Resolved, That the following section be incorporated in the new constitution, and made a part thereof:

That the Legislature shall, at its first session after the adoption of this constitution, provide an act allowing the seats of justice that are now or hereafter established in any of the counties of this State to be removed only upon condition that all depreciation of property, to owners, occasioned by the said removal, shall be fully and adequately made up by compensation therefor.

It was so referred.

Mr. Thomas offered the following resolution:

Be it resolved, That this Convention will not establish any new county the creation of which would reduce the county or counties, or any one of them from which it is proposed to be taken, to a less area than nine hundred square miles; and, further, that the consideration of all declarations relating to the creation of such new county or counties is hereby indefinitely postponed.

Mr. Thomas moved a suspension of the rules to take into consideration the resolution.

Lost.

Mr. Armstrong, of Lamar, offered the following resolution:

Resolved, That no resolution, declaration, or any new matter, shall be introduced into this Convention from and after Saturday (next) first day of August, and that this Convention will confine its action to such matters alone as are now on the Speaker's table, and such other matter as will be reported by committees.

Laid over under the rules.

Mr. Ruby moved that the rules be suspended, to allow consideration of a resolution for the pay of mail carrier Slaughter.

Rules suspended.

Mr. Armstrong, of Lamar, moved that the resolution be referred to Committee on Contingent Expenses.

It was so referred.

Mr. Hamilton, of Travis, offered the following:

DECLARATION.

WHEREAS, This Convention has information that many children and other persons, citizens of Texas, are held captive by the Indians; and

WHEREAS, The funds subject to the control of the Governor for the relief of such persons who are, have been, or may hereafter be held captive, or as prisoners of war, by the Indians, is insufficient for the purpose; therefore,

Be it ordained by the people of the State of Texas in Convention assembled, That the sum of ten thousand dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any of the funds in the treasury not otherwise appropriated, to be used by the Governor, under such rules as he may prescribe, in procuring the release of children or other persons, citizens of this State, who are now, have been, or may hereafter be held captive, or as prisoners of war, by the Indians.

Mr. Hamilton, of Travis, asked the suspension of the rules for immediate consideration of the resolution.

Rules suspended.

The question recurred upon the second reading of the declaration.

Read a second time and agreed to.

Mr. Hamilton, of Travis, moved a further suspension of the rules to put declaration on its passage.

Rules suspended, resolution read third time and passed.

Mr. Sumner offered the following resolution:

Resolved, That the Enrolling Clerk of this Convention be added to the Committee to Investigate the Riot at Millican, to act in the capacity of clerk.

Mr. Sumner moved that the rules be suspended to consider resolution.

Rules suspended.

Resolution read and agreed to.

Mr. Thomas asked to be excused from service on the committee appointed to proceed to Millican, and that Mr. Constant be added to the committee.

Motion of Mr. Thomas agreed to.

The President announced the business in order was upon the motion to reconsider the vote by which the amendment offered by Mr. Evans, of McLennan, to the report of the Committee on Internal Improvements, was laid on the table.

Mr. Hamilton, of Travis, moved that the whole matter be made the special order for next Tuesday, the fourth of August, at ten o'clock.

Carried.

Mr. Constant offered the following resolution:

Be it declared by the people of Texas in Convention assembled, That the canine species are property, and as such are subject to a capitation tax.

Mr. Evans, of McLennan, moved the rejection of the resolution.

Resolution rejected.

Mr. Carter offered the following resolution:

Resolved, That the sum of sixteen dollars per day be the per diem of the Hon. E. J. Davis, and that the Secretary of the Convention be instructed to issue to him a certificate for that amount.

[Mr. Evans, of McLennan, in the chair.

Mr. Hamilton, of Travis, moved a suspension of the rules for immediate consideration of the resolution.

Rules suspended.

Objection being made by the President, at the request of the President of the Convention, leave was granted for the withdrawal of the resolution.

Mr. Smith, of Galveston, offered the following resolution:

Resolved, That the Comptroller be directed to draw upon the Treasurer his warrant for the amount of pay due the Postmaster for his services, as set forth by the Secretary's certificate.

Mr. Smith, of Galveston, moved a suspension of the rules to consider the resolution.

Lost.

The President announced the unfinished business in order was the report of the Executive Committee, acted upon yesterday.

Section seventeen, upon motion, was adopted.

Section eighteen, upon motion, was adopted.

Section nineteen, upon motion, was adopted.

Mr. Buffington offered the following amendment:

Strike out all of first line after "accounts," and all of second line to "who," and insert, "appointed by the Governor, by and with the advice and consent of the Senate."

On motion of Mr. Flanagan, the amendment was laid on the table.

Mr. Thomas offered the following amendment:

Amend by striking out the word "to," before the word "keep," in line seven.

Amendment agreed to.

Mr. Munroe offered the following amendment:

Section 20. Strike out, in second line, the words: "and having the same qualifications," and insert, "and who shall be at least twenty-five years of age; a citizen of the United States; and shall have been a resident and citizen of the State of Texas for one year immediately preceding his election."

Mr. Flanagan moved to lay the amendment upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong, of Lamar, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant, of Grayson, Buffington, Carter, Cole, Coleman, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Hamilton, of Travis, Harn, Horne, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Morse, Muckleroy, Mullins, Mundine, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Scott, Slaughter, Smith, of Galveston, Stockbridge, Thomas, Varnell, Wilson, of Milam, Wright, Yarborough—46.

Nays—Messrs. President, Bell, Bryant, of Harris, Butler, Burnett, Curtis, Degener, Downing, Evans, of McLennan, Foster, Gaston, Goddin, Hunt, Kendal, Kuechler, Lippard, McCormick, McWashington, Munroe, Newcomb, Patten, Posey, Ruby, Schuetze, Watrous, Whitmore, Williams, Wilson, of Brazoria—28.

So the amendment was laid on the table.

Mr. Slaughter offered the following amendment:

Section 20. Ninth line: amend by striking out "prescribed," and insert, "required of him."

Mr. Munroe moved to lay the amendment on the table.

Carried.

Section twenty, upon motion, was adopted.

Mr. Munroe offered the following amendment:

Amend by inserting, in second line, instead of the words, "having the same qualifications as the Governor and Comptroller of Public Accounts," the words, "shall be twenty-one years of age, and an elector for members of the Legislature."

Mr. Flanagan moved to lay the amendment upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant, of Grayson, Buffington, Carter, Cole, Evans, of Titus, Fayle, Flanagan, Fleming, Gaston, Goddin, Grigsby, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Leib, Lindsay, Mills, Morse, Muckleroy, Mullins, Mundine, Pedigo, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Scott, Smith, of Galveston, Stockbridge, Thomas, Varnell, Watrous, Wilson, of Milam, Wright, Yarborough—45.

Nays—Messrs. President, Bell, Bryant, of Harris, Butler, Burnett, Curtis, Degener, Downing, Evans, of McLennan, Foster, Hunt, Jordan, Kendal, Kuechler, Lippard, McCormick, McWashington, Munroe, Newcomb, Oaks, Patten, Posey, Ruby, Slaughter, Smith, of Marion, Whitmore, Wilson, of Brazoria—27.

So the amendment was laid on the table.

Mr. Evans, of McLennan, offered the following amendment:

Amend, in line one, section 21: strike out the word "also," after the word "shall."

Amendment agreed to.

Mr. McCormick moved to strike out the letters "mp," in the word "Comptroller," and insert the letter "n."

Amendment adopted.

Section twenty-one, upon motion, was adopted.

Mr. Smith, of Galveston, offered the following amendment:

Strike out of fourth line, after the word "register," the words "of" and "all;" and after the words "land titles," succeeding, the words "hereafter granted."

On motion, the amendment was laid on the table.

Mr. Munroe offered the following amendment:

Amend by inserting in the third line, in place of the words, "and shall possess the same qualifications," the words, "and shall be twenty-one years of age, and a qualified elector for members of the Legislature."

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
JULY 31, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Degener, from the Finance Committee, made the following report:

Reading dispensed with, and ordered to be printed.

COMMITTEE ROOM,
July 31, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Pursuant to a resolution passed by the Convention, to request the Commanding General to cause the Comptroller of Public Accounts of Texas to transmit for the use of the Convention a series of statements, two voluminous documents were transmitted to the Convention, and referred to the Committee on Finance.

The documents are herewith returned, and your committee beg leave to observe that it was never their good luck to examine a report which gave so full and lucid a statement of the complicated machinery of the finances of our State, as that of Acting Comptroller George C. Rives.

The statements enter into the minutest details, and any synopsis drawn therefrom cannot do justice to a report which must be intimately studied to fully appreciate its value, and the amount of labor spent for compiling the same.

Your committee hold, however, that they would be failing in their duty if they did not reply to the eleven interrogatories of the Convention, by giving the aggregate amounts as furnished by the respective statements of the Comptroller; deem it, however, appropriate to confine themselves to such remarks only as are absolutely necessary, or of an especial interest.

REPORT.

FIRST INTERROGATORY.

Statement showing the assessment of taxes in each county in the State for the year 1867.

The report of the Comptroller names 141 counties. Of eight counties the area is not given. The total area of property owned in the 133 counties by residents of the same is 34,974,057 acres, valued at..............	$66,101,369 00
Area owned by non-residents of the counties, 15,865,026 acres,....	17,007,387 00
Value of town lots........................	23,103,200 00
597,163 horses, estimated.................	13,993,948 00
3,853,029 cattle..........................	16,856,675 00
1,323,556 sheep...........................	1,876,406 00
Merchandise	9,457,912 00
Money on hand or at interest..............	6,060,245 00
Miscellaneous property....................	10,543,383 00
	$170,005,545 00

Poll tax..................	99,013 00
Ad valorem and poll tax..................	354,418 07
Income tax...............................	38,891 78
Salary tax...............................	1,186 58
	$493,509 43

Pages 1 and 5 of Comptroller's Report.

SECOND INTERROGATORY.

Estimate of cost of collection of taxes under existing laws:

Total value of all property assessed for 1867, $170,005.545, at.15 cents per $100.......	$255,008 31
Poll tax at $1 per capita................	99,003 00
Income	38,891 78
Salary..................................	1,186 58
License and occupation tax	130,024 14
	$524,123 81

Estimate of cost of collection, including defaults of every character, 16 per cent. on assessment..........................	$83,859 80

THIRD INTERROGATORY.

Amount collected upon assessment of 1867...	$394,614 25¾

FOURTH INTERROGATORY.

Statement of the different accounts showing the receipts from the 4*th of September*, 1867, *and the balance in the different kinds of funds standing at credit of each account on the* 31*st of May*, 1868:

STATE REVENUE.

	SPECIE.	CURRENCY.
To receipts from Treasury,	$155 09	$20,077 17
To receipts from taxes from 1866 to 1868,		345,121 04¾
To receipts from Land Office	26 25	3,805 94
To receipts from Comptroller's office,	7 00	240 55
To receipts from State Department,	12 50	22 25
		Specie, 200 84
Total,		$369,467 79¾
By amount transferred to county tax account,		1,119 32
By balance on hand, (Specie $195 34, U. S. Currency $363,163 13¼,)...............		$368,348 47¾

FIFTH INTERROGATORY.

Statement of warrants drawn by the Comptroller upon the Treasurer, during the period commencing September 4*th*, 1867, *and ending May* 1*st*, 1868:

Supreme Court........................	$17,044 50
District Courts..........................	54,452 12
Attorney General's office.................	2,504 23
A—Judiciary...........................	$74,000 85
B—Executive Department..............	6,365 05

C—State Department		4,443 35
D—Comptroller's Office		9,901 79
E—Treasurer's Office		2,458 93
F—General Land Office		19,869 89
G—Asylums		29,204 07
H—Penitentiary		3,557 23
I—Pensions		941 25
K—Miscellaneous		
Expense of sale of University lands	20 25	
Extra clerk hire for bringing up back taxes	1,427 19	
Salary of agent to Indians	200 00	
Repairing and refurnishing Executive Mansion	2,926 56	
Salary 20th District Judges, (previous appropriation,)	713 88	
Salary 20th District Attorneys, (previous appropriation,)	258 88	
Furnishing Attorney General's office	49 50	
		5,596 26
L—Military appropriations		
Fuel for office of Superintendent of Public Instruction	6 75	
Porter hire	28 50	
Publishing 25th vol. Texas Law Reports	5,184 00	
Keeper and night watch of Capitol	539 67	
Night watch of General Land Office	33 33	
Night watch of Treasury Building	185 86	
Salary of extra clerk in Treasurer's office	546 66	
Contingent expenses in Treasurer's office	153 58	
Contingent expenses in Executive office	130 81	
Repairs of Capitol	680 41	
Distribution of 25th vol. of Texas Reports	166 64	
Salary of sexton and keeper of State Cemetery	100 00	
Stationery for the Convention 15th June, 1868	1,000 00	
		8,766 21
Total		$165,104 88

SIXTH INTERROGATORY.

Statement of Public Debt:

	CURRENCY
Amount of 8 per cent. bonds of March 20, 1861	16,000 00
Amount of 8 per cent. bonds of April 8, 1861	917,000 00
Amount of 10 per cent. warrants of February 14, 1860	109,077 61
Amount of non-interest notes	15,000 00
Amount of 8 per cent. certificates	3,671 00
Amount of unaudited claims	8,323 48
	$1,069,072 09
Amount less audited by late Auditorial Board	139,343 77
	$929,728 32
Amount of 5 per cent. State bonds, payable January 1, 1879, issued to University fund, section 1 of an act to secure the Common School and University fund, approved November 12, 1866, (specie)	134,472 26
Amount of 5 per cent. State bonds, payable same time, issued to School Fund, section 2, same act, both being based upon 5 per cent. U. S. indemnity bonds, formerly belonging to said fund	82,168 82
Total debt	$1,146,369 40

The probable amount yet to be paid to school fund, under section 2, act of November 12, 1866, should be added to the above; but as this matter has been kept entirely within the control and management of the Executive, the Comptroller has no data whatever upon which to base an estimate.

The above statement is based upon the idea that there has been no legal authority to deal with the indebtedness of the State since the 4th of March, 1861. It has, however, been found utterly impossible to give a full and complete statement of the public debt, without giving what has been done by authority of the so-called Eleventh Legislature.

Assuming that the lately adopted amendment to the Constitution of the United States, now being the fourteenth article of the same, decides, in some measure, which portion of our public debt must be declared valid, which portion was null and void from the beginning, it will not be inappropriate to notice:

1. That the 8 per cent. bonds, issued under the acts of March 20, and of April 8, 1861, together of $933,000, were issued in aid and for the support of the rebellion.

2. That the non-interest notes of $15,000 were all paid in warrants, and that it is proper to investigate how far persons accepting those warrants in payment of their claims, are entitled to an exchange of those warrants against legal money.

3. That the 10 per cent. warrants issued under an act of 14th February, 1860, were in reality not fully issued until January, 1862. The question thus arises how many warrants were issued after 4th March, 1861. It will take a considerable time to ascertain the real status; it is, however, believed that not more than about $50,000 are in circulation for which the State is liable. Adding to this sum the certificates issued to the Wise and Parker minute men, for the defence of the frontier since 1866, with $3,671 and $8,323 of unaudited claims, the whole amount of our public debt will not be much above $60,000.

SEVENTH INTERROGATORY.

Reports of Railway Companies made to Comptroller, under act of February 7, 1853. *Only five companies have complied with the above law, as far as* 1867 *and* 1866, *respectively:*

The Southern Pacific R. R. to	May 31, 1867.
The Houston Texas Central R. R. to	" " 1866.
The Galveston, Houston and Henderson R. R. to	March 1, 1866.
The Galveston, Houston and Henderson Junction to	" " 1866.
The Washington County R. R. to	Oct. " 1866.

If the act referred to was intended to furnish the Comptroller the means of fully judging of the security the several railroads give to the school loan, your committee holds that it is incomplete, and that the next Legislature ought to pass such acts as may be deemed necessary to prevent difficulties of a similar nature as those under which we are at present suffering.

EIGHTH INTERROGATORY.

Statement showing the present indebtedness of each Railroad Company to the State, and also what amount of interest has been paid, when, and in what kind of funds paid, and amounts remaining unpaid:

A—Buffalo Bayou, Brazos and Colorado Railroad,

To principal			Gold	$420,000 00
To interest due to March 1, 1868,			"	228,158 00
			Gold	$648,158 00
By principal	Gold	$12,000 00		
By interest	"	38,338 75		
By " warrants,		98,019 25		
				$148,358 00
Total indebtedness				$499,800 00

B—Southern Pacific Railroad,

To principal	Gold	$150,000 00
To interest due to March 1, 1868,	"	52,625 00
Total indebtedness	Gold	$202,625 00

No payments of any description were made by this company.

C—Texas and New Orleans Railroad,

To principal	Gold	$430,500 00
To interest due to March 1, 1868,	"	195,081 52
	Gold	$625,581 52
By interest	"	30,415 27
Total indebtedness	Gold	$595,166 25

D—Houston Tap and Brazoria Railroad,

To principal	Gold	$300,000 00
To interest	"	142,849 58
	Gold	$442,849 58

By paid principal	Gold	$4,200 00		
By paid interest	"	2,375 38		
By paid worthless warrants,		69,483 33		
			"	76,058 71
Total indebtedness				$366,790 87

E—Houston and Texas Central Railroad,

To principal			Gold	$450,000 00
To interest			"	257,255 56
			Gold	$707,255 56
By principal	Gold	$ 18,000 00		
By interest	"	88,091 21		
warrants,		105,774 35		
			"	211,865 56
Total indebtedness				$495,390 00

F—Washington County Railroad,

To principal			Gold	$66,000 00
To interest			"	29,312 59
			"	$95,312 59
By principal	Gold	$ 1,320 00		
By interest	"	3,217 43		
By principal	warrants	27,663 00		
By Interest	"	19,427 20		
				51,627 63
Total indebtedness				$43,684 96

The remarks of your committee on sixth interrogatory, with regard to the public debt, contracted during the rebellion, find a full application to the payments of the several railroads toward their indebtedness, in a tender which is illegal from the beginning, being created for the purpose of carrying on war against the United States. Four railroad companies have availed themselves of a law passed by the Tenth Legislature, so-called, in December, 1863, and paid in warrants what in reality they owed in gold to the school fund, to wit:

Buffalo Bayou, Brazos and Colorado R. R.	$ 98,019 25
Houston Tap and Brazoria R. R.	69,483 33
Houston and Texas Central R. R.	105,774 35
Washington County on principal	27,663 30
" " " interest	19,427 20
Paid in warrants	$320,367 13

Which sum ought to be added to the several balances against said railroads, as shown in the Comptroller's exhibit.

Buffalo Bayou, Brazos and Colorado R. R.	499,800 00
Houston Tap and Brazoria R. R.	366,790 87
Houston and Texas Central R. R.	495,390 00
Washington County R. R.	43,684 96
Southern Pacific R. R.	202,625 00
Texas and New Orleans R. R.	595,166 25
Total indebtedness of railroads	$2,523,824 21

NINTH INTERROGATORY.

Statement of amounts paid for asylums from their establishment to June 1, 1868, *and in what kind of funds paid:*

	IN SPECIE.
For lands appropriated to Asylum	$ 9,278 50
Lunatic Asylum	58,877 51
Deaf and Dumb Asylum	36,945 11
Blind Asylum	27,378 42
Total	$132,479 54

	IN STATE TREASURY WARRANTS.
For lands appropriated to Asylums	$
Lunatic Asylum	169,166 66
Deaf and Dumb Asylum	79,500 00
Blind Asylum	45,373 21
Total	$294,039 87

	U. S. CURRENCY.
For lands appropriated to Asylums	$
Lunatic Asylum	55,841 55
Deaf and Dumb Asylum	36,750 00
Blind Asylum	12,493 02
Total	$105,084 57

	TOTAL.
For lands appropriated to Asylums	$ 9,278 50
Lunatic Asylum	283,885 72
Deaf and Dumb Asylum	153,195 11
Blind Asylum	85,244 65
Grand total	$531,603 98

TENTH INTERROGATORY.

Statement of amounts paid for Penitentiary from its establishment to June 1*st*, 1868, *and in what kind of funds paid:*

The Penitentiary was erected in 1848. The original expense and support	$133,216 70
Erection of Factory, 1856. Materials and machinery	127,000 00
Salary of Superintendent	12,549 60
" " Clerk	12,387 00
" " Directors	5,343 44
" " Chaplain	1,562 49
" " Physician	2,517 36
Stationery, Postage and Printing	412 50
Total amount of accounts	$294,989 00

To paid in Specie	$281,046 24
" " " Texas State Warrants	10,362 50
" " " U. S. Currency	3,580 35
Total	$294,989 09

ELEVENTH INTERROGATORY.

Statement showing the amount and character of funds paid for school lands during the existence of the rebellion:

Paid in Specie	$ 225 52
" " 10 per cent. Warrants	27,933 74
" " State Treasury Warrants	15,568 26
" " Confederate Notes	330,196 32
Total	$373,923 84
Of this sum the University Fund is credited with Specie	$ 9 16
With Illegal Tender	137,335 28
	$137,344 44
The School Fund, with Specie	$ 216 36
With Illegal Tender	236,363 04
	$236,579 40

In view of the great expenses which would be incurred, if the Convention ordered the printing of the voluminous documents from which the above extracts are drawn, your committee does not recommend that this should be done; holds, however, that a careful examination of this extract, especially the statements of Interrogatories Nos. 6, 8 and 11th, will show the necessity of some legislative action, to settle the controversy about payments made in a tender which was created or issued for the purpose of carrying on war against the United States, giving at the same time full power to the Legislature hereafter to grant relief to such purchasers of University land, or owners of pre-emption lots, who may be deserving the same; in consideration whereof, your committee has unanimously instructed me to report the annexed resolution.

Most respectfully, E. DEGENER.

Resolved, The pretended acts of a body, calling themselves a Legislature of Texas, bearing date January 11, 1862, chap. 47, and December 16, 1863, chap. 57, being in violation of the Constitution of the United States, and in aid of the rebellion, were, and are, null and void; *Provided*, That nothing herein be construed so as to prevent the Legislatures of Texas from granting equitable relief to owners of University lands, and of pre-emption lots, who are bona fide citizens of the State.

MINORITY REPORT.

A minority of your committee holds, further, that an ordinance regulating gold and United States currency claims, until the Congress of the United States takes action thereon, should be passed by this Convention.

The above exhibit, under Interrogatory 8th, shows that the several railroads are indebted to the School Fund for a sum of above two and one-half of a million of dollars in gold; which amount, if tendered in United States currency, would, under the late decisions of our courts, most undoubtedly be declared a payment in full of all the claims the school fund may have against said railroads, and thus a loss would be incurred of about $750,000 in gold. Although your committee believes that the Convention can conscientiously not treat this danger lightly, the liberty is taken of giving a further argument in favor of an ordinance regulating gold and currency claims in the following remarks:

The exchanges with Mexico from Western Texas amount to many millions annually. All these exchanges are based upon gold and silver. The Mexicans know no other currency, and the merchants of the West are compelled to make the basis of all their transactions the common medium of the world. If they cannot contract for gold and silver, and enforce those contracts in our courts, it at once confuses and paralyzes all their transactions. This western commerce, this stream of gold and silver, flowing constantly from Mexico and daily increasing, is of infinite value, and a material addition to the wealth of our whole State. Why shall not an individual, a firm or a corporation be at liberty to contract to pay, at a day certain, one thousand dollars in gold or silver, or coin, or, in default of their prompt payment, compel the party contracting to pay their value in the legal tender notes of the government at their market value, as well as to contract to deliver one thousand head of horses or cattle, and, in default of prompt delivery, to pay their market value on the day of payment.

No legal mind can draw the distinction, and certainly justice and equity draw none. The Constitution of the United States absolutely forbids Congress to pass any law, or to permit the States to pass laws, impairing the obligation of contract; and where any act so palpably violates public policy, and abrogates all the obligations of individual contracts, it is certainly unjust and inexpedient.

It is the opinion of your committee that it was not the intention of the Congress of the United States that the Legal Tender Act should be interpreted as has hitherto been done by our courts, and that the Conventioon has the right to interpret the law for itself, and to make that interpretation binding on the courts of Texas.

In consideration of all these reasonss, the minority of your committee has instructed me to report the subjoined declaration.

All of which is most respectfully submitted.

E. DEGENER.

A DECLARATION,

Explanatory, of and more particularly defining the Legal Tender Act, passed by the Thirty-Seventh Congress of the United States, 1861–2.

We, the people of Texas, in Convention assembled, acknowledging that the Constitution of the United States, and the laws passed in pursuance thereof, are the supreme law of the land, declare,

1. That the citizens and corporations of Texas had, and have now, the undoubted right to contract, and bind themselves for the payment of gold and silver, or its equivalent coin of the United States.

2. That the act of Congress known as the Legal Tender Act was not intended to, nor does it, restrict, alter, modify, or change the above specified right; therefore, *Be it declared*, That the courts of Texas shall hereafter conform their decisions to the true intent and meaning of the individual contracts which may come before them for adjudication; unless the Supreme Court of the United States shall declare that the said Legal Tender Act applies to all personal contracts of the citizens of the United States, without regard to the forms of their contract.

Mr. Talbot, from the Committee on Education, made the following report. Reading was dispensed with, and it was ordered to be printed.

COMMITTEE ROOM,
Austin, July 31, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Education, having had under consideration that part of the Constitution, have instructed me to report the accompanying article on that subject. The necessity that exists in all free States for the education of all the children of the State, has come to be so universally acknowledged, that no argument appears necessary to justify the committee in having made so liberal provision for the support and maintenance of public schools, and in giving the control of the whole subject to an independent board. The article is respectfully submitted to the consideration of the Convention.

JOSEPH W. TALBOT,
Chairman.

PROVISIONS RESPECTING EDUCATION.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provision for the support and maintenance of a system of public free schools, for the gratuitous instruction of all the scholastic inhabitants of the State between the ages of six and eighteen years, without distinction on account of race, color or previous condition.

SEC. 2. The public free schools and other educational institutions of the State shall be under the management of a Board of Education, consisting of a Superintendent of Public Instruction, the Controller, and two members from each Congressional District. The Governor of the State shall be ex officio a member of the board, but shall have no vote in its proceedings.

SEC. 3. The Superintendent of Public Instruction shall be President of the Board of Education, and have the casting vote in case of a tie. He shall have the supervision of the public free schools of the State, and perform such other duties as may be imposed upon him by the Board of Education and law of the State. The Governor of the State shall nominate, and by and with the advice and consent of two-thirds of the Senate shall appoint, the Superintendent of Public Instruction, who shall hold his office for a term of eight years, and shall receive an annual salary of not less than three thousand dollars, which shall not be diminished during his term of service. He shall reside at the capital of the State during his continuance in office, and a suitable office room shall be assigned him by the officer in charge of the State buildings.

SEC. 4. The members of the board shall hold office for the term of four years, and until their successors shall be elected and qualified. After the first election under the Constitution, the board shall be divided into two equal classes, so that each class shall consist of one member from each Congressional district. The seats of the first class shall be vacated at the expiration of two years from the day of election, so that one-half may be chosen biennially.

Sec. 5. The members of the Board of Education, except the Superintendent and Controller, shall be elected by the qualified electors of the Congressional district in which they are chosen, at the same time and in the same manner as the members of Congress.

Sec. 6. The Board of Education shall exercise full legislative powers in reference to the public free schools of the State, and its acts, when approved by the Governor, or when re-enacted by two-thirds of the board in case of his disapproval, shall have the force and effect of law, unless repealed by a two-thirds vote of the Legislature of the State.

Sec. 7. The Board of Education shall, at its first session, establish a uniform system of public free schools throughout the State, and shall so provide that the course of study and the manner of teaching shall be the same in all the public schools throughout the State, and that no one shall be received as an instructor in any of such public schools who has not received a certificate of competency from such boards of examination as the Board of Education shall designate; provided, that no one shall be held competent as such instructor who can not take the oath prescribed by law as a qualification for registration as electors.

Sec. 8. The Board of Education, at its first session, shall pass such laws as will require the attendance on the public free schools of the State of all the scholastic population of the State for the period of at least four months in each and every year, and shall have authority to pass, from time to time, all such laws as may be found necessary or proper to enforce said attendance; provided, that such of the scholastic inhabitants as may be shown to have received regular instruction for said period of time in each and every year, from any teacher having the certificate of competency required by the seventh section of this article for the teachers of the public free schools, shall be exempt from the operation of the laws contemplated by this section; and provided further, that all teachers receiving said certificate of competency shall be required to make returns to the officer or authority designated by the Board of Education, of the instruction given by them, in the same manner and in the same form as that which may be prescribed for the returns that are to be made by each instructor, or the principal instructor, in each of the public free schools; and provided further, that when any scholar shall have completely mastered all the branches of study taught in the public free schools, he shall be entitled to receive a certificate which shall exempt him from the further forced attendance upon the public free schools.

SEC. 9. As a basis for the endowment and support of said system of public free schools, all the funds, lands, and other property, heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of public schools, shall constitute the public School Fund; and said fund, and the income derived thereon, shall be a perpetual fund exclusively for the education of all the scholastic inhabitants of this State, and no law shall ever be made appropriating said fund for any other use or purpose whatever. And until such time as the board of education shall provide for the establishment of such system of public free schools in the State, the fund thus created, and the income derived therefrom, shall remain as a charge against the State, and be placed to the credit of the public free School Fund.

SEC. 10. All the alternate sections of land, reserved by the State out of grants heretofore made or that may hereafter be made to railroad companies or other corporations, of any other nature whatever, for internal improvements, or for the development of the resources of the State, shall be set apart as a part of the perpetual School Fund of the State; Provided, that if, at any time hereafter any portion of the public domain of the State shall be sold, and by virtue of said sale the jurisdiction over said land shall be vested in the United States government,—in such event, all the proceeds derived from such sale shall become a part of the perpetual fund of the public free schools of the State, and the Legislature shall hereafter appropriate all the proceeds resulting from all sales of public lands to the perpetual public free School Fund.

SEC. 11. The Legislature shall provide, from time to time, for the sale of land belonging to the perpetual public free School Fund to actual settlers exclusively, and not to exceed 640 acres to any one head of family, upon such time and terms as it may deem expedient; Provided, that the Legislature shall have no power to grant relief to purchasers by granting further time for payment, but shall, in all cases, provide for the forfeiture of the land to the State for the benefit of the perpetual free School Fund, and that all interest accruing from such sales shall be a part of the income belonging to the public free School Fund, and subject to appropriation annually for educational purposes.

SEC. 12. The Legislature shall, from time to time, cause the principal sum of the public free School Fund now on hand, and arising from the sales of land, or from any other sources, to be invested in the bonds of the United States of America, or the bonds of the State of Texas, or such bonds as the State may guarantee; and the Legislature shall have no power to appropriate, loan, or invest in any other manner any part of the principal sum of the perpetual public free School Fund, for any purpose whatever; and it shall be the duty of the Legislature to appropriate annually, the income which may be derived from said fund, for educational purposes, under such system as the Board of Education may adopt; And, provided, That the first appropriation of money made by any Legislature hereafter, out of the general funds of the State, shall be such as will discharge the amount of principal or interest due upon the bonds of the State, or such bonds as the State may have guaranteed to the perpetual public free School Fund.

SEC. 13. All public lands, which have been heretofore granted for public schools to the various counties or other political divisions in this State, shall be under the control of the Legislature, and shall be sold on the same terms and under the same regulations as are or may be prescribed for the sale of the lands belonging to the perpetual public free School Fund; and the proceeds of the sale of said lands shall be added to the perpetual public free School Fund of the State. And if any of the counties of this State have not received their quantum of lands for the purpose of education, the Legislature shall cause to be located for the benefit of the public free School Fund the same quantity of land for each of said counties as that heretofore appropriated by the Congress of the Republic of Texas and the State to other counties.

SEC. 14. The Legislature shall provide for levying a poll-tax of one dollar on all male persons of over twenty-one years of age for educational purposes, which shall be annually appropriated in like manner, and for the same purposes as the income which may be derived from the perpetual free school fund.

SEC. 15. It shall be the duty of the Legislature to set apart not less than one-fourth of the annual revenue of the State derivable from taxation, not to include the poll tax provided for in Section 14, for educational purposes, to be appropriated in like manner as precribed in Section 14, for the appropriation of the poll tax to be levied for educational purposes.

SEC. 16. The moneys and lands heretofore granted by the State for the endowment and support of one or more Universities, shall hereafter constitute a part of the public free school fund, and the lands still unsold shall be sold in the same manner as is provided in Section eleven (11) of this Article for the sale of other lands belonging to the public free school fund, and the proceeds of said sales, and the proceeds of any sales heretofore made, when collected, and the moneys now on hand, or due by the State to the University fund, shall hereafter constitute a part of the principal of the public free school fund, which shall be invested in the same manner and under the same restrictions as provided for in the investment and control of the principal of the public free school fund in Section twelve

(12) of this Article: provided, the Board of Education shall, from time to time, and as soon as practicable, establish institutions of a higher degree of learning than the ordinary public free schools, and the highest of them with a course of study equivalent to that of the average of American colleges.

SEC. 17. The Board of Education shall have power to provide for the levying of a tax in each school district, sufficient to procure the site or sites for, and the building of such school house or houses, with adequate furniture, fixtures and appurtenances, as the wants of the scholastic population of said district may require.

SEC. 18. The four hundred thousand acres of land that have been surveyed and set apart under the provisions of a law, approved August 30th, A. D. 1856, for the benefit of a lunatic asylum, a deaf and dumb asylum, a blind asylum, and an orphan asylum, shall constitute a fund for the support of such institutions, one-fourth part for each; and the said fund shall never be diverted to any other purpose. The said lands may be sold, and the fund invested under the same rules and regulations as provided for the lands belonging to the public free school fund. The income of said fund only shall be applied to the support of such institutions, and until so applied shall be invested in the same manner as the principal.

SEC. 19. No rule or law affecting the general interest of education shall be made by the Board of Education without a concurrence of a majority of its members. The style of all acts of the board shall be, "Be it enacted by the Board of Education of the State of Texas."

SEC. 20. The Board of Education shall meet annually at the seat of Government, at the same time as the Legislature, but no more than one session shall be held in the same year, unless authorized by the Governor. The members shall receive the same mileage and daily pay as the members of the Legislature.

SEC. 21. Each school district shall be required to raise by local taxation on property an amount of money for educational purposes, and subject to the control of the Board of Education, equal to the pro rata share of said district in the appropriations annually to be made by the Legislature for school purposes; and any school district failing to raise said amount by said taxation, shall be deprived of its pro rata share of said annual appropriations; and said share shall be distributed pro rata among the school districts complying with the requirements of this Section. The Board of Education shall prescribe the time and manner in which said district taxes may be raised: provided, that all property within said school districts, subject to State taxes, shall be made subject to said local tax.

Mr. Whitmore, from the Committee on Finance, offered the following report and accompanying declaration:

COMMITTEE ROOM,
July 29, 1868.

HON. E. J. DAVIS,
President of the Convention:

The Committee on Finance have had a resolution offered by Scott, of Lamar, under consideration, asking that the Police Court of Lamar county be authorized to levy a special tax for the purpose of paying the present indebtedness of said county, have had the same under consideration, and recommend its passage.

WHITMORE,
Chairman.

DECLARATION.

Be it declared by the people of Texas in Convention assembled:

That the Police Court of Lamar county be authorized to levy a special tax, for the purpose of paying the present indebtedness of said county, and that said tax be collected as heretofore directed by law.

Mr. Whitmore, from the Committee on Finance, made the following additional report:

COMMITTEE ROOM,
July 29, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Finance, to whom was referred two following letters of General Buchanan, refusing to endorse two resolutions passed by this Convention, to-wit:

First. A resolution appropriating the sum of fifteen thousand dollars for the payment of officers and employes appointed by the Provisional Governor A. J. Hamilton.

Second. A resolution appropriating the sum of twenty-five thousand dollars, to be placed in the hands of Governor Pease, for the purpose of employing detectives to ferret out crimes and criminals, and of paying suitable rewards to persons who succeed in arresting and bringing to justice criminals.

Your committee have duly considered the same and are of opinion that the dignity of the Convention does not require that any notice be taken of the language used in the reply of General Buchanan to the second resolution, and recommend that both resolutions be passed again by the Convention, and recommend to General Reynolds, who now is the Commander of the Fifth Military District.

All of which is respectfully submitted.

WHITMORE,
Chairman of the Committee on Finance.

HEADQUARTERS FIFTH MILITARY DISTRICT,
OFFICE OF SECRETARY FOR CIVIL AFFAIRS,
New Orleans, La., July 21, 1868.

Hon. E. J. DAVIS,
President Texas Constitutional Convention:
Austin, Texas:

SIR: I am instructed by the Commanding General to acknowledge the receipt of your communication of the tenth instant, with enclosures, and in reply thereto to inform you that the resolution of the Convention adopted on the twenty-third day of June, 1868, appropriating "fifteen thousand ($15,000) dollars, or so much thereof as may be sufficient, to pay the unsettled balance due the civil officers of the State of Texas appointed by Governor A. J. Hamilton," having been considered by the Commanding General, is for the following reasons, respectfully returned to the Convention without the approval asked for.

First. He is unable to find, in the reconstruction act of Congress under which the Convention assembled, anything which authorizes it to appropriate the moneys of the State for the purpose specified in said "declaration."

Second. This is properly a subject for legislation, and should be left to the consideration of the State Legislature.

I am, sir,
Very respectfully,
Your obedient servant,
B. B. KEELER,
Brevet Major U. S. A.,
Secretary Civil Affairs.

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., July 21, 1868.

Hon. E. J. DAVIS,
President Texas Constitutional Convention,
Austin, Texas:

SIR: The following "declaration" of the Texas Constitutional Convention of the second of July, 1868, to-wit: "That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, and that the same be placed at the disposal of the Governor of Texas, to enable him to offer suitable rewards for the arrest and apprehension of such desperadoes, and to employ detectives to ferret out their hiding places, and that this resolution be forwarded to the Commanding General of the Fifth Military District, for approval.

"Provided, that no part of the same shall be used unless the Military Commander of the District of Texas shall first be authorized to organize military commissions for the trial of offenders," having been submitted to the Commanding General of the Fifth Military District for his approval, is, for the following reasons, respectfully returned to said Convention without the approval asked for.

First. He is unable to find, in the reconstruction act of Congress under which the Convention assembled, anything which authorizes it to appropriate the moneys of the State for the purpose specified in said "declaration."

Second. This is properly a subject for legislation, and should be left to the consideration of the State Legislature.

Third. The declaration appropriates twenty-five thousand dollars ($25,000) to be used as above stated, with a proviso with reference to military commissions, which its author doubtless intended as a gratuitous indignity to the Commanding General of the Military District, by coupling it with conditions intended to reflect discreditably upon his administration of its civil affairs.

With the display of such a spirit on the part of the Convention, the approval, by the Commanding General, of an act which equally violates the reconstruction act under which it was convened and the object for which it was assembled, can hardly be expected.

I am, sir,
Very respectfully,
Your obedient servant,
B. B. KEELER,
Brevet Major U. S. A.,
Secretary Civil Affairs.

Mr. Glenn, from the Committee on Finance, made the following minority report:

COMMITTEE ROOM,
July 29, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

The majority of the Committee on Finance have reported that the resolutions of the Convention appropriating $15,000 to pay officers and appointees under the provisional government of Governor Hamilton, and also the one placing at disposal of Governor Pease $25,000, to arrest thieves and robbers and to ferret out their hiding places, and which said appropriation having been disapproved by General Buchanan, commanding Fifth Military District, said majority of the committee ask that the same be repassed by this Convention, and submitted to Brevet Brigadier General J. J. Reynolds for his approval.

To all of which I most respectfully dissent, upon the ground that the resolutions were submitted, according to their tenor and effect, to the commanding officer of the Fifth Military District, and he having refused to make or approve said appropriation, as was his prerogative to do, alleging in vindication of his course, that no such powers were contemplated in the reconstruction acts of Congress; and that, as the Convention was acting solely under the authority derived from said reconstruction acts, it is wholly inconsistent with sound discussion and right reason to assume that we have any such legislative power vested in this body; and I would beg further to state that the appropriations in the resolutions having been defeated in a legitimate manner, they are not now a proper subject for consideration by this Convention; and finally they are subjects of purely a legislative character, and should be properly considered by the Legislature when one shall be convened.

Besides, they are calculated to inflame the public mind, already too much agitated upon the great subject of large appropriations, and a system of taxation almost insufferable. All of which I submit.

MARSHAL GLENN,
of Anderson county.

Mr. Degener moved to suspend rules for consideration of the report of the Committee on Finance.

Rules suspended.

Mr. Degener offered the following resolution:

Be it resolved, That a declaration of this Convention, asking the assent of General Buchanan to the payment of $15,000 out of the treasury, for the settlement of claims of officers appointed by Provisional Governor Hamilton, be referred to General Reynolds for approval.

The question recurring upon the second reading of the resolution, it was read a second time and agreed to.

Rules suspended.

Resolution read third time and passed.

Mr. Hamilton, of Travis, offered the following resolution:

WHEREAS, Texas has been created a military district, and Brevet Major General J. J. Reynolds, in whose loyalty, ability, and patriotism, this Convention has full confidence, has been assigned to its command; therefore be it

Resolved, That the committee heretofore appointed by order of this Convention to repair to Millican to investigate the late disturbances at that place, be, and they are hereby relieved from such duty.

Mr. Hamilton, of Travis, moved a suspension of rules for consideration of resolution.

Rules suspended, and resolution agreed to.

Mr. Degener moved the suspension of rules to consider report of the Committee on Finance.

Rules suspended.

Mr. Degener offered the following resolution:

Be it resolved, That a resolution of this Convention, in reference to an appropriation of $25,000, for the purpose of ferreting out criminals, and paying suitable rewards for their arrestation, which was not endorsed by General Buchanan, be referred to General Reynolds for adoption.

Mr. Burnett offered the following substitute:

WHEREAS, The State of Texas has been created a Military District, under the reconstruction acts of Congress, and Brevet Major General J. J. Reynolds has been assigned to the command of the said district; and

WHEREAS, The law-abiding citizens of Texas repose full confidence in the loyalty, ability, and patriotism of General Reynolds; therefore

Resolved, That this Convention will make no appropriation of money for the detection and arrest of criminals, nor consider the propriety of so doing unless so recommended by the Governor of Texas, or Major General Reynolds.

Mr. Degener moved to lay the substitute on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Fleming, Foster, Grigsby, Horne, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Mundine, Oaks, Patten, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wright, Yarborough—47.

Nays—Messrs. Armstrong of Jasper, Boyd, Bryant of Grayson, Burnett, Carter, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Hamilton, of Travis, Harris, Harn, Johnson of Calhoun, Keigwin, Mackey, McCormick, Mills, Morse, Muckleroy, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Rogers, Smith of Galveston, Thomas, Varnell, Wilson of Brazoria, Wilson of Milam—30.

So the substitute was laid upon the table.

Mr. Thomas moved to amend by inserting the word "apprehension," instead of "arrestation."

Carried.

Mr. Munroe moved to strike out the words "ferreting out."

Carried.

Mr. Boyd moved to amend by inserting "$10,000," instead of "$25,000."

Mr. Bellinger moved to lay the amendment on the table.

Carried.

Mr. Armstrong of Jasper moved to lay the resolution upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Boyd, Burnett, Carter, Cole, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Harris, Johnson of Calhoun, Keigwin, Mills, Morse, Muckleroy, Mundine, Phillips, of Wharton, Varnell—20.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Constant, Curtis, Degener, Downing, Evans of McLennan, Fleming, Foster, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—56.

So the Convention refused to lay the resolution on the table.

Mr. Glenn moved to commit the resolution to the Committee on Judiciary.

Mr. Degener moved the previous question upon the passage of the resolution.

Previous question seconded.

The question recurred, Shall the main question be now put?

The main question was ordered.

The question recurred, Shall the resolution be engrossed?

It was ageeed to.

Mr. Slaughter moved a further suspension of the rules to put resolution upon its passage.

Rules suspended.

Resolution read third time and passed.

Mr. Hamilton of Travis offered the following resolution:

Resolved, That the President and Secretary be authorized to sign a requisition on the Treasury on behalf of the official Reporter for the amount of salary due him to date.

Mr. Hamilton moved that the rules be suspended to consider resolution.

By consent, the resolution was withdrawn.

Mr. Johnson of Calhoun moved that the rules be suspended to take up the resolution reported from the Committee on Contingent expenses, and passed to a second reading on July 17.

Rules suspended.

Mr. Johnson of Calhoun moved that the resolution be recommitted to the Committee on Contingent Expenses, with instructions to report a resolution in conformity with resolution offered to-day on this subject by Mr. Hamilton of Travis.

Mr. Buffington moved that the rules be suspended to take up the resolution offered by Mr. Armstrong of Lamar, respecting the introduction of new matter into the Convention after Saturday, August 1.

Rules suspended.

Mr. Burnett offered the following amendment:

And that all declarations, resolutions or matters whatever, of a legislative character, and not pertaining to the organic law of the State, are hereby indefinitely postponed.

Mr. Sumner moved to lay the original resolution upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Board, Boyd, Carter, Cole, Coleman, Constant, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Goddin, Harris, Hunt, Johnson of Calhoun, Jordan, Kealy, Long, McCormick, Morse, Muckleroy, Mundine, Munroe, Oaks, Smith of Marion, Sumner, Thomas, Varnell, Vaughan—31.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Grayson. Buffington. Butler, Burnett, Curtis, Downing, Fleming, Keigwin, Kuechler, Leib, Lindsay, Lippard, Mackey, Mills, Newcomb, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—32.

So the Convention refused to lay the original resolution upon the table.

Mr. Thomas offered the following amendment:

Amend by inserting after the word "matter" the words "foreign to the formation of a constitution."

Mr. Buffington moved to lay the amendment on the table.

Lost.

The question recurred upon the adoption of the amendment.

It was adopted.

Mr. Sumner moved to lay the resolution, as amended, on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bell, Boyd, Bryant of Harris, Butler, Carter, Coleman, Constant, Curtis, Evans, of McLennan, Fayle, Flanagan, W. Flanagan, Foster. Goddin, Harris, Hunt, Johnson of Calhoun, Kealy, Kendal, Leib, Long, McCormick, McWashington, Morse, Muckleroy, Mullins, Mundine, Munroe, Oaks, Pedigo, Ruby, Smith of Marion, Sumner, Talbot, Varnell, Williams, Wright—37.

Nays—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Buffington, Burnett, Downing, Gaston, Grigsby, Keigwin, Lindsay, Lippard, Mackey, Mills, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Smith of Galveston, Thomas, Watrous, Whitmore, Wilson of Milam—28.

So the resolution was laid upon the table.

Mr. Evans of McLennan offered the following resolution:

Resolved, That whereas, William E. Horne, a member of this Convention, was sick at its assembling, and remained unable to get to his seat in this body from such sickness until a few weeks since,

Be it declared, That the Secretary of this Convention do issue to the said William E. Horne a certificate for the time he was absent on account of sickness.

On motion, the rules were suspended for consideration of resolution.

Mr. Sumner moved to refer the matter to the Committee on Political and Legislative.

Lost.

The question recurred upon the adoption of the resolution.

It was adopted.

Mr. Ruby moved that the rules be further suspended to put resolution on its passage.

Resolution read third time and passed.

Mr. Pedigo offered the following resolution, and asked its reference to the Committee on Commerce and Manufactures:

Be it Resolved by the people of Texas in Convention assembled, 1. That the Congress of the United States be, and is hereby requested to make by law, Sabine Pass, in the State of Texas, a port of entry.

2. That copies of this resolution, signed by the President of this Convention, and attested by the Secretary thereof, be forwarded to the Speaker of the House of Representatives and President of the Senate of the United States.

It was so referred.

The President announced the business in order was the unfinished business of yesterday, upon the adoption of the amendment of Mr. Munroe to the 22d Section of the report of the Executive Committee.

Mr. Flanagan moved to lay the amendment upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Board, Boyd, Brown, Bryant of Grayson, Buffington, Carter, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Harn, Lindsay, Mackey, Mills, Muckleroy, Mullins, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Milam, Wright.—30.

Nays—Messrs. President, Bell, Bledsoe, Bryant of Harris, Butler, Burnett, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Kealy, Kendal, Kuechler, Leib, Lippard, Long, McCormick, McWashington, Munroe, Oaks, Patten, Posey, Ruby, Slaughter, Smith of Marion, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Yarborough—39.

So the Convention refused to lay the amendment on the table.

The question recurred upon the adoption of the amendment.

Mr. Buffington moved a call of the House.

Call sustained.

Mr. Johnson, of Calhoun, asked to be excused to-day.

Leave granted.

On motion, the call of the House was suspended.

Mr. Flanagan moved a call of the House.

Call sustained.

Mr. McCormick asked leave of absence for Mr. Talbot.

Carried.

Mr. Posey moved that the Convention adjourn until four o'clock this afternoon.

Lost.

Mr. Butler moved to adjourn until eight o'clock this evening.

Lost.

Mr. Buffington moved to adjourn until to-morrow morning at nine o'clock.

Mr. Slaughter moved a suspension of the call of the House.

Lost.

Mr. Evans, of McLennan, moved a suspension of the call of the House, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Butler, Burnett, Carter, Coleman, Constant, Curtis, Evans of McLennan, Evans, of Titus, Fayle, Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Muckleroy, Munroe, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wright, Yarborough—60.

Nays—Messrs. Adams, Armstrong of Jasper, Brown, Bryant of Grayson, Cole, Degener, Downing, W. Flanagan, Gaston, Harris, Long, Oaks, Pedigo, Rogers, Scott, Wilson, of Milam—16.

So the call of the House was suspended.

The question recurring upon the adoption of the amendment, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bell, Bryant of Harris, Butler, Burnett, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Lippard, Long, McCormick, McWashington, Munroe, Patten, Posey, Ruby, Slaughter, Smith of Marion, Sumner, Whitmore, Wilson of Brazoria—32.

Nays—Messrs. Adams, Armstrong of Jasper, Bellinger, Board, Boyd, Brown, Bryant of Grayson, Buffington, Carter, Cole, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Hamilton of Travis, Harris, Horne, Harn, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Morse, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Milam, Wright, Yarborough—45.

So the Convention refused to adopt the amendment.

Section 22, upon motion, was adopted.

Mr. Smith, of Galveston. moved that the Convention adjourn until to-morrow morning at 9 o'clock.

Motion withdrawn.

Mr. Hamilton, of Travis, moved that Mr. Harn be excused for two weeks.

Carried.

Upon the motion to adjourn, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Boyd, Brown, Carter, Cole, Coleman, Curtis, Degener, Downing, Evans of Titus, Fayle, Foster, Glenn, Goddin, Gray, Hamilton of Travis, Harris, Harn, Horne, Hunt, Jordan, Keigwin, Kendal, Kuechler, Long, Mackey, McWashington, Mills, Morse, Mundine, Oaks, Pedigo, Phillips of Wharton, Rogers, Ruby, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Varnell, Vaughan, Williams—44.

Nays—Messrs. President, Adams, Bell, Board, Bryant of Grayson, Buffington, Butler, Burnett, Constant, Evans of McLennan, Flanagan, W. Flanagan, Fleming, Gaston, Johnson of Harrison, Kealy, Leib, Lindsay, Lippard, McCormick, Muckleroy, Munroe, Patten, Phillips of San Augustine, Posey, Schuetze, Scott, Slaughter, Thomas, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—35.

So the Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
August 1, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Boyd moved to adjourn till Monday morning at nine o'clock.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Boyd, Carter, Cole, W. Flanagan, Gaston, Harris, Horne, Johnson of Calhoun, Keigwin, Mills, Morse, Muckleroy, Posey, Rogers, Scott, Smith of Marion, Varnell, Vaughan—20.

Nays—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Coleman, Constant, Curtis, Degener, Evans of McLennan, Fayle, Flanagan, Fleming, Foster, Grisby, Hunt, Jordan, Kealy, Kendal, Keuchler, Lindsay, Lippard, Mackey, McCormick, Mundine, Munroe, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Slaughter, Stockbridge, Sumner, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright —45.

So the Convention refused to adjourn.

Mr. Bryant, of Grayson, moved that all members who voted aye, who wished leave of absence to attend the Democratic Barbecue, be excused.

Carried.

Mr. Hamilton, of Travis, moved to adjourn until Monday morning, at nine o'clock.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Boyd, Brown, Buffington, Butler, Burnett, Carter, Cole, Constant, Curtis, Evans of Titus, W. Flanagan, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Lippard, Long, Mc Washington, Mills, Morse, Mundine, Munroe, Pedigo, Posey, Rogers, Scott, Slaughter, Smith of Marion, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Yarborough—40.

Nays—Messrs. Adams, Armstrong of Lamar, Bell. Bellinger, Bledsoe, Board, Bryant of Grayson. Bryant of Harris, Coleman, Degener, Evans, of McLennan, Fayle, Flanagan, Fleming, Foster, Hunt, Jordan, Kendal, Kuechler, Leib, Lindsay, Mackey, Patten, Phillips of San Augustine, Phillips, of Wharton, Ruby, Stockbridge, Sumner, Thomas, Watrous, Williams, Wilson, of Milam—32.

So the Convention adjourned until Monday morning at nine o'clock.

CAPITOL, AUSTIN. TEXAS,
August 3, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Thomas presented a petition from the citizens of Kaufman, Collin, Dallas and Hunt counties, praying for a formation of a new county.

On motion the reading of the petition was dispensed with, and it was referred to the Committee on Counties and County Boundaries.

Mr. Hunt, from the Committee on State Affairs, made the following report:

COMMITTEE ROOM,
Austin, July 31, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on State Affairs, to whom was referred the report of the Committee appointed to inquire into the condition of the convicts in the Texas State Penitentiary, and examine into the nature of the crimes for which they are confined in that institution, have had the same under consideration, and from the evidence presented are of the opinion that there are many under sentence for a term of years for trivial offenses, who are proper subjects for Executive clemency; but, as your committee are not prepared to give that attention to the matter which its importance demands, in order to do full justice to the criminal, and at the same time having due regard for the interests and well-being of society, your committee respectfully return the report to your honorable body, and recommend its reference to His Excellency Gov. E. M. Pease, for his information and action thereon.

H. C. HUNT,
Chairman.

On motion of Mr, Patten the rules were suspended to take up report.

Mr. Patten offered the following resolution:

Be it resolved, That the report of the Committee appointed to inquire into the condition of the convicts confined in the Texas

State Penitentiary be referred to His Excellency Gov. E. M. Pease.

Resolution read and agreed to.

Mr. Patten moved a further suspension of the rules for the passage of the resolution.

Rules suspended.

Resolution read third time, and passed.

Mr. Hunt, from the Committee on State Affairs, made the following additional report.

COMMITTEE ROOM,
Austin, July 31, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on State Affairs, to whom was referred a resolution offered by Hon. Mr. Bryant, of Harris, to the effect that no person charged with a capital offense shall be discharged or admitted to bail by a justice of the peace after examination, have had the same under consideration, and instructed me to report the same back to the Convention, and ask that it be referred to the Committee on Political or Legislative.

H. C. HUNT,
Chairman.

Mr. Flanagan offered the following resolution:

Resolved, That this Convention will hold morning and noon sessions, say from 9 A. M. to 1 P. M.

Morning sessions confined to regular business.

Evening sessions, each member, commencing alphabetically, may in turn call up any matter he may prefer to act upon, which shall be immediately disposed of.

Mr. Sumner moved to reject the resolution.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Degener, Foster, Hunt, Keuchler, Patten, Slaughter, Smith of Marion, Sumner—10.

Nays—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Carter, Cole, Coleman, Curtis, Evans of McLennan, Flanagan, Fleming, Hamilton of Travis, Harris, Johnson of Calhoun, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Mundine, Munroe, Newcomb, Phillips of Wharton, Rogers, Schuetze, Scott, Smith of Galveston, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright, Yarborough—47.

So the Convention refused to reject.

Mr. Burnett moved a suspension of rules to take up resolution.

Rules suspended.

Mr. Butler offered the following amendment:

Amend by striking out from "four" to "seven," and insert "eight" to "ten."

Mr. Munroe moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Board, Brown, Bryant, of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Degener, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Kendal, Keuchler, Leib, Lindsay, Mackey, McWashington, Morse, Muckleroy, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Williams, Wright, Yarborough—49.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Butler, Evans of McLennan, Harris, Hunt, Lippard, Mundine, Newcomb, Patten, Slaughter, Smith of Marion, Sumner, Whitmore, Wilson of Brazoria—17.

So the Convention laid the amendment upon the table.

Mr. Munroe offered the following amendment:

Amend by striking out all after the words "seven o'clock P. M."

Mr. Sumner offered the following amendment to the amendment:

Amend, by making the time from eight to one A. M, and from two to eight P. M.

Mr. Flanagan moved the previous question upon the passage of the resolution.

Previous question seconded.

The question recurring, "shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Buffington, Cole, Coleman, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Hamilton of Travis, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Lindsay, Mackey, McWashington, Muckleroy, Mullins, Phillips, of San Augustine, Phillips, of Wharton, Rogers, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough—42.

Nays—Messrs. President, Armstrong, of Jasper, Bryant of Grayson, Butler, Burnett, Carter, Degener, Evans of McLennan, Fayle, Foster, Harris, Hunt, Johnson of Harrison, Kendal, Kuechler, Leib, Lippard, Morse, Mundine, Munroe, Newcomb, Patten, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner—27.

So the main question was ordered.

Mr. Sumner moved a call of the House.

Call sustained.

Absentees—Messrs. Downing, Evans of Titus, Gaston, Grigsby, Horne, Long, McCormick, Mills, Oaks, Posey, Talbot.

Mr. Bell moved to suspend the call of the House.

Upon which the yeas and nays were called, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Glenn, Hamilton of Travis, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Mullins, Phillips of Wharton, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough —54.

Nays—Messrs. Butler, Degener, Hunt, Kuechler, Morse, Mundine, Munroe, Newcomb, Patten, Ruby, Smith of Marion, Sumner —12.

So the call of the House was suspended.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Flanagan, W. Flanagan. Fleming, Glenn, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin. Kendal, Lindsay, Mackey, McWashington, Muckleroy, Mullins, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough —47.

Nays—Messrs. President, Armstrong of Jasper, Butler, Degener, Evans of McLennan, Fayle, Foster, Harris, Hunt, Kuechler, Leib, Lippard, Morse, Mundine, Newcomb, Patten, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner—21.

So the resolution was adopted.

Mr. Degener offered the following resolution :

Resolved, That the entire railroad matter be referred to a select committee.

Laid over under the rules.

Mr. Kuechler offered the following resolution :

WHEREAS, It is difficult to find enough persons competent to fill the office of county surveyor, this office not being a paying one in most counties ;

Be it resolved, That the Committee on General Provisions be instructed to report on the feasibility of making the surveyor's districts the same as the judicial districts.

Laid over one day.

Mr. Newcomb offered the following resolution :

Resolved, That this Convention take a recess from and after the fourteenth instant until the twentieth of December, 1868.

Resolved, That the reports of the different constitutional committees be printed in the order they will come in the Constitution, as a report to be presented for action at the convening of the Convention in December.

Laid over one day.

Mr. Evans, of McLennan, moved a suspension of rules to consider the resolution.

Lost.

Mr. Armstrong, of Lamar, offered the following declaration :

DECLARATION FOR A NEW COUNTY.

SECTION 1. *We, the people of Texas in Convention assembled, do declare*, That a new county is hereby formed out of the following territory :

Beginning at the junction of Buffalo creek with the east fork of the Trinity river, in the county of Kaufman ; thence due west to the boundary line of Kaufman and Dallas counties ; thence north-west to the confluence of Muddy creek into Rowlet creek ; thence up Muddy creek to the southern boundary line of Collin county ; thence north-east to the eastern boundary line of said county, to a point five (5) miles north of the south-east corner thereof ; thence south-east to the southern boundary line of Hunt county, to a point five (5) miles east of the south-west corner of said county; thence south-west to the place of beginning.

Said county to be called Richland, and the county seat thereof to be at the town of Rockwall.

That the aforesaid county shall be organized under the general law establishing new counties; and that the judge of the county court of Kaufman county shall recommend to the Commander of the Fifth Military District suitable persons to fill the offices.

On motion, the declaration was referred to the Committee on Counties and County Boundaries.

The President announced the business of the hour was the report of the Committee on General Provisions.

Mr. Smith moved the consideration of the report be postponed until next Monday, August 10, 1868, at ten o'clock.

Lost.

Mr. Burnett moved the consideration of the report be postponed until after the report of the Executive Committee be disposed of.

Carried.

Mr. Schuetze asked that the rules be suspended, to offer a petition from citizens of Bastrop county.

Rules suspended, and the petition referred to the Committee on Counties and County Boundaries.

The President announced the next business in order to be the report of the Executive Committee, reported from Committee of the Whole.

Mr. Evans, of McLennan, offered the following substitute for section 23.

SEC. 23. There shall be an Attorney General of the State, elected by the qualified voters of the State at the same time and place as the Governor; he shall be a qualified voter at the time of his election, and shall hold his office for four years; he shall reside at the capital of the State during his term of office. He shall represent the interests of the State in all suits or pleas in the Supreme Court in which the State may be a party, superintend, instruct and direct the official action of the district attorneys, so as to secure all fines and forfeitures, all escheated estates, and all public moneys to be collected; and he shall, when necessary, give legal advice in writing to all officers of the government, and perform such other duties as may be required by law.

Under the rules, the Convention adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION.—FOUR O'CLOCK.

Roll called. Quorum present.

The President announced that under the rules adopted, that as the names of members are called alphabetically, they may call up any business not in regular order.

Mr. Adams called up the substitute to the report of the Committee on Internal Improvements respecting the Pacific International Railroad.

The question being upon its third reading, Mr. Patten moved to lay the whole subject upon the table.

Mr. Hamilton, of Travis, moved a call of the House.

Call sustained.

Mr. Wright moved that the call of the House be suspended.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Bell, Bellinger, Bryant of Grayson, Burnett, Carter, Coleman, Flanagan, Fleming, Gaston, Hamilton of Travis, Horne, Johnson of Calhoun, Keigwin, Lindsay, Mackey, Mills, Morse, Muckleroy. Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Schuetze, Scott, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Wright,—34.

Nays—Messrs. President, Adams, Armstrong of Lamar, Bledsoe, Board, Boyd, Brown, Buffington, Cole, Constant, Curtis, Degener, Evans of McLennan, Fayle, W. Flanagan, Foster, Goddin, Harris, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Leib, Long, McWashington, Newcomb, Patten, Rogers, Smith of Galveston, Smith of Marion, Sumner, Watrous, Whitmore, Williams, Yarborough.—38.

So the House refused to suspend the call.

Mr. Wright moved the call of the House be suspended.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant, of Grayson, Buffington, Burnett, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Hamilton of Travis, Horne, Johnson of Calhoun, Kealy, Keigwin, Lindsey, Mackey, Mills, Morse, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Scott, Slaughter, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Wright—46.

Nays—Messrs. Board, Boyd, Curtis, Degener, Evans of McLennan, Goddin, Harris, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Newcomb, Patten, Rogers, Smith of Galveston, Smith of Marion, Sumner, Watrous, Whitmore, Williams, Yarborough—26.

So the call of the House was suspended.

Mr. Patten moved a call of the House.

Call not sustained.

The question recurred upon the motion of Mr. Patten to lay the whole subject upon the table.

Mr. Patten moved a call of the House.

Call sustained.

Absentees—Messrs. Butler, Downing, Mullins, Oaks, and Ruby.

Mr. Slaughter moved to adjourn until to-morrow morning at nine o'clock.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bellinger, Bledsoe, Carter, Degener, Fayle, Glenn, Long, Mackey, Newcomb, Patten, Pedigo, Ruby, Slaughter, Smith of Marion, Vaughan—13.

Nays—Messrs. President, Adams, Armstrong, of Jasper, Armstrong, of Lamar, Bell, Board, Brown, Bryant of Grayson, Buffington, Burnett, Cole, Coleman, Constant, Curtis, Evans of McLennan, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Phillips of San Augustine. Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—53.

So the Convention refused to adjourn.

Mr. Coleman moved the call of the House be suspended.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Constant, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Hamilton of Travis, Harris, Johnson of Calhoun, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Muckleroy, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Slaughter, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—44.

Nays—Messrs. Armstrong of Lamar, Bellinger, Bledsoe, Board, Boyd, Cole, Curtis, Degener, Evans of McLennan, Fayle, Goddin, Hunt, Johnson, of Harrison, Jordan, Kendal, Kuechler, Lippard, Long, McWashington, Morse, Newcomb, Patten, Ruby, Scott, Smith of Galveston, Smith of Marion, Sumner, Watrous, Whitmore, Williams—30.

So the call of the House was suspended.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Bryant, of Grayson, moved the call of the House be suspended.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Brown, Bryant of Grayson, Burnett, Carter, Cole, Coleman, Constant, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Muckleroy, Mullins, Mundine, Munroe, Phillips of San Augustine, Phillips, of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Wright—46.

Nays—Messrs. Bledsoe, Board, Boyd, Buffington, Curtis, Degener, Evans of McLennan, Fayle, Goddin, Hunt, Johnson of Harrison, Kendal, Kuechler, Lippard, Long, McWashington, Morse, Newcomb, Patten, Pedigo, Ruby, Smith of Galveston, Smith of Marion, Sumner, Watrous, Whitmore, Williams—27.

So the Convention suspended the call of the House.

Mr. Patten moved to adjourn until to-morrow, at nine o'clock.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Carter, Coleman, Degener, Evans of McLennan, Fleming, Hunt, Keuchler, Leib, Lindsay, Long, Mackey, McWashington, Mills, Newcomb, Patten, Pedigo, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Thomas, Watrous, Wilson of Brazoria—29.

Nays—Messrs. Adams, Bell, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Cole, Constant, Curtis, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Lippard, Morse, Muckleroy, Mullins, Mundine, Munroe, Phillips, of San Augustine, Phillips of Wharton, Posey, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—46.

So the Convention refused to adjourn.

The question recurred upon the motion to lay upon the table.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Mullins moved the call of the House be suspended.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bell, Brown, Bryant of Grayson, Burnett, Carter, Coleman, Constant, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Morse, Muckleroy, Mullins, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze. Scott, Slaughter, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—44.

Nays—Messrs. President, Adams, Armstrong of Jaspar, Armstrong of Lamar, Bledsoe, Board, Boyd, Buffington, Cole, Curtis, Degener, Evans of McLennan, Fayle, Glenn, Goddin, Hunt, Johnson of Harrison, Kendal, Kuechler, Lippard, Long, McWashington, Munroe, Newcomb, Patten, Rogers, Ruby, Smith of Galveston, Smith of Marion, Sumner, Whitmore—31.

So the Convention suspended the call.

Mr. Sumner moved to adjourn until eight o'clock to-morrow morning.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell. Bellinger, Bledsoe, Carter, Coleman, Degener, Goddin, Horne, Hunt, Keuchler, Long, McWashington, Newcomb, Patten, Rogers, Ruby, Schuetze, Sumner, Thomas, Vaughan, Watrous, Wilson of Milam, Yarborough—33.

Nays—Messrs. President, Adams, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Cole, Constant, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Hamilton of Travis, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Lippard. Mackey, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Whitmore. Williams, Wilson of Brazoria, Wright—38.

So the Convention refused to adjourn.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Buffington moved to suspend the call of the House.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Brown, Bryant of Grayson, Burnett, Carter, Cole, Coleman, Flanagan, W. Flanagan, Fleming, Foster, Gaston. Hamilton of Travis, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Mackey, Mills, Muckleroy, Mullins, Mundine, Phillips of San Augustine, Phillips of Wharton. Posey, Schuetze, Scott, Stockbridge, Thomas, Varnell, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—41.

Nays—Messrs. President, Bledsoe, Board, Boyd, Buffington, Constant, Curtis, Degener, Evans of McLennan, Fayle, Glenn, Goddin, Hunt, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Morse, Munroe, Newcomb, Patten, Pedigo, Rogers, Ruby, Smith of Galveston, Smith of Marion, Sumner, Watrous, Whitmore, Williams—32.

So the Convention suspended the call.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Sumner moved the Convention adjourn until this evening, at eight o'clock.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Evans of McLennan, Kuechler, Long, Newcomb, Oaks, Patten, Ruby, Smith of Galveston, Smith of Marion, Sumner—10.

Nays—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Curtis, Degener, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lippard, Mackey, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—62.

So the Convention refused to adjourn.

Mr. Schuetze moved that the Convention adjourn until to-morrow morning at nine o'clock.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Armstrong, of Lamar, Bellinger, Carter, Degener, Downing, Evans, of McLennan, Fayle, Glenn, Goddin, Hunt, Keigwin, Kuechler, Long, Mackey, McWashington, Mills, Muckleroy, Newcomb, Oaks, Patten, Pedigo, Posey, Rogers, Schuetze, Scott, Smith of Marion, Sumner, Thomas, Watrous, Whitmore, Williams—26.

Nays—Messrs. Adams, Bell, Bledsoe, Board, Boyd, Brown, Bryant, of Grayson, Buffington, Burnett, Cole, Coleman, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Lippard, Morse, Mullins, Mundine, Munroe, Phillips of San Augustine, Smith, of Galveston, Stockbridge, Varnell, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough—47.

So the Convention refused to adjourn.

Mr. Bledsoe moved to adjourn *sine die.*

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Boyd, Cole. Curtis, Degener, Downing, Evans, of McLennan, Fayle, W. Flanagan, Gaston, Glenn, Keigwin, Kuechler, Leib, Lippard, Long, Morse, Mullins, Newcomb, Oaks, Patten, Varnell, Whitmore—26.

Nays—Messrs. President, Adams. Bell, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Constant, Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Mackey, McWashington, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner Thomas, Watrous, Wilson of Milam, Wright, Yarborough—49.

So the Convention refused to adjourn *sine die.*

Mr. Patten moved a call of the House.

Call suspended.

Mr. McWashington moved to adjourn until to-morrow morning, at nine o'clock.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Bryant of Grayson, Carter, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Foster, Glenn, Goddin, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kendal, Kuechler, Long, Mackey, McWashington, Newcomb, Oaks, Patten, Pedigo, Posey, Rogers, Ruby, Schuetze, Scott, Thomas, Watrous, Williams—38.

Nays—Messrs. Adams, Bell, Board, Boyd, Brown, Buffington, Burnett. Cole. Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Jordan, Kealy, Leib, Lippard, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—30.

So the Convention refused to adjourn.

Mr. Degener moved that the Convention take a recess until the 3d of December.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Boyd, Degener, Evans of McLennan, Glenn, Kuechler, Lippard, Morse, Mullins, Oaks, Patten, Yarborough—13.

Nays—Messrs. President, Adams, Armstrong of Lamar, Bell, Board, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Downing, Flanagan, W. Flanagan Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Mackey, McWashington, Mills, Muckleroy, Mundine, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—53.

So the Convention refused to adjourn.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Hamilton, of Travis, moved the Convention adjourn until nine o'clock to-morrow morning.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Carten, Cole, Coleman, Constant, Curtis, Downing, Gaston, Glenn, Goddin, Hamilton of Travis, Horne, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Keuchler, Leib, Long, McWashington, Mills, Muckleroy, Munroe, Newcomb, Oaks, Patten, Pedigo, Posey, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Thomas, Varnell, Watrous, Wilson of Milam, Wright, Yarborough—51.

Nays—Messrs. Bell, Burnett, Degener, Evans of McLennan, Flanagan, W. Flanagan, Fleming, Foster, Harris, Johnson of Calhoun, Kealy, Lippard, Morse, Mullins, Mundine, Phillips of San Augustine, Schuetze, Sumner, Whitmore, Wilson of Brazoria—20.

So the Convention adjourned until to-morrow morning, at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
August 4, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Evans of McLennan presented a petition from the citizens of Hamilton, Comanche, Erath and Bosque counties, asking for the formation of a new county, and asked its reference to the Committee on Counties and County Boundaries.

Mr. Lippard offered the following report from the Committee on Public Lands.

Reading was dispensed with, and ordered to be printed:

REPORT OF COMMITTEE ON PUBLIC LANDS.

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Public Lands, having given careful consideration to the matter relating to that department of the Constitution, presents the results of its labors in the article now presented for the consideration of the Convention.

Your committee, having in view the many difficulties surrounding the land titles of the State, have endeavored to do justice to all concerned, and to place the land titles of the State on a more permanent and secure basis for all time to come.

JOHN H. LIPPARD,
Chairman.

DECLARATION.

SECTION 1. That all titles for lands lying in this State, granted under or by authority of the Crown of Spain, and of the Republic of Mexico, which were deposited in the General Land Office on or before the twelfth day of February, 1837, excepting those land titles which were declared void by the Constitution of the Republic of Texas; and all patents for lands issued by authority of the Republic and State of Texas down to ———, excepting those land claims declared null and void by the Constitution of the State of Texas, and excepting those lands covering and including salt springs, lakes and licks, and mines of gold, silver and copper, are hereby declared valid.

SEC. 2. That all the headright titles for lands lying within the twenty frontier leagues bordering on the United States of the North, which were granted before the closing of the land offices in 1835 by the consultation of the chosen delegates of all Texas, are hereby declared valid.

SEC. 3. That no title for land purporting to have been granted by the Crown of Spain, or of the Republic of Mexico, which was not deposited in the General Land Office on or before the twelfth day of February, A. D. 1837, shall be admissible in evidence to defeat a genuine patent or claim for land located before such older title was deposited in said office.

SEC. 4. That no land title purporting to have been granted by the Crown of Spain or of the Republic of Mexico, which was not deposited in the General Land Office on or before the twenty-seventh day of August, A. D. 1845, shall be admissible as evidence in behalf of any party in any suit for land.

SEC. 5. That all surveys of land heretofore made, and not returned to the General Land Office within the time prescribed by an act entitled "An act concerning surveys of land," passed February 10, A. D. 1852, are hereby declared null and void.

SEC. 6. That all land certificates located after the thirtieth day of August, A. D. 1856, upon lands which were titled before such location of certificate, are hereby declared null and void.

SEC. 7. That all land certificates heretofore located which conflict with land surveys of an older date, for want of correct maps or connection of surveys, may be re-located by the owner of such certificates.

SEC. 8. That all land certificates shall be surveyed and returned to the General Land Office within ———— years from and after the meeting of the first Legislature after the adoption of this Constitution, and not thereafter.

SEC. 9. That the Commissioner of the General Land Office is hereby required to issue patents upon all legal surveys of lands deposited in his office, made by virtue of any genuine land certificate, excepting upon lands covering and including salt springs, licks and lakes, and mines of gold, silver and copper.

SEC. 10. That all conveyances of lands heretofore made by authority of any court having lawful jurisdiction of the parties and land in dispute, excepting in cases of fraud, are hereby declared valid and binding.

SEC. 11. That all public lands heretofore reserved for the benefit of railroads, shall hereafter be subject to survey by virtue of any genuine land certificate, excepting lands covering and including salt springs, licks and lakes, and mines of gold, silver and copper.

SEC. 12. That the Legislature shall not hereafter grant lands to any person or persons, except to actual settlers upon the same, and in lots not exceeding ——— acres to each settler.

SEC. 13. That the residue of the public domain, after the survey of all genuine land certificates and claims now issued, shall be granted only to actual settlers upon the same, under such regulations as the Legislature may provide; provided, no such grant shall exceed ——— acres, and at not less than one dollar per acre.

SEC. 14. That all lands granted to railroad companies which were not alienated by said companies before this date, in conformity with the terms of their charters and the laws of the State, under which the grants were made, are hereby declared forfeited to the State.

SEC. 15. That no person shall be deprived of his, her or their right to land, by adverse possession or limitation of less than fourteen years; provided, that no adverse possession of land, or law of limitation, shall ever operate against the State.

SEC. 16. That no adverse possession of land, or law of limitation, shall avail any person or persons who claim without title, or who claim under fraudulent title.

SEC. 17. That married women, infants, and insane persons, shall not be barred of their rights to land by adverse possession, or law of limitation of less than fourteen years from and after the removal of each and every of their legal disability and hindrance.

Mr. Varnell, from the Committee on Appointments, made the following report:

COMMITTEE ROOM,
Austin, Texas, August 3, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Sir: The Committee on Apportionments, who have had under consideration the apportioning of the State into four congressional districts, have instructed me to report the following ordinance and recommend its passage:

SECTION. 1. *Be it ordained by the people of the State of Texas in Convention assembled*, That the territory comprised within the limits of the following named counties shall compose the congressional districts of the State of Texas, until otherwise provided by law.

SEC. 2. The congressional district shall be composed of the counties of Anderson, Angelina, Cherokee, Harrison, Henderson, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers, Vanzandt, and Wood.

SEC. 3. The second congressional district shall consist of the counties of Marion, Upshur, Davis, Bowie, Titus, Red River, Lamar, Hopkins, Kaufman, Fannin, Grayson, Hunt, Collin, Dallas, Tarrant, Cook, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Throckmorton, Wilbarger, Hardeman, Knox, Haskill, Jones, Shackelford, Stephens, Ellis, Johnson, Callahan, Eastland, Erath, Hood, and Taylor.

SEC. 4. The third congressional district shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Roberts, Madison, Leon, Freestone, Limestone, Falls, McLennan, Matagorda, Wharton, Bosque, Hill, and Navarro.

SEC. 5. The fourth congressional district will consist of the counties of Colorado, Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnells, Concho, McCulloch, San Saba, Lampasas, Burnett, Llano, Mason, Kimball. Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadalupe, Bexar, Wilson, Gonzales, DeWitt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Bell, Live Oak, Atascosa, Medina, Walde, Dawson, Zavala, Frio, Dimmitt, Lasalle, McMullen, Encimal, Duval, Cameron, Hidalgo, Star, Zapata, Webb, Kinney, Presidio, Maverick, and El Paso.

Read and ordered to be printed.

Mr. McCormick, from the Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
August 1, 1868.

Hon. E. J. DAVIS,
President of the Convention:

The Committee on Contingent Expenses, to which was re-committed the resolution engrossed by the Convention, in reference to the pay and discharge of the official reporter, with instructions to report the resolution offered by Mr. Hamilton, of Travis, as a substitute for said engrossed resolution, in obedience to said instructions, have authorized me to report in favor of the adoption of said resolution of Mr. Hamilton as a substitute for the engrossed resolution.

A. P. McCORMICK,
Chairman.

Mr. Armstrong of Jasper, offered the following declaration:

AN ORDINANCE

Authorizing F. E. Hughes to establish a ferry, or a drawbridge, across Powder Horn Bayou.

Be it enacted by the people of Texas in Convention assembled, That F. E. Hughes is authorized to establish a ferry, or a draw bridge, across Powder Horn Bayou, in Calhoun county, provided such ferry, or drawbridge, shall not interrupt the free navigation of said bayou.

Be it further ordained, That the privilege aforesaid shall be vested in the said Hughes for the period of thirty years.

Be it further ordained, That such ferry, or drawbridge, shall be liable to all the taxes which are imposed by law upon ferries and drawbridges, and that the ordinance take effect from and after its passage.

On motion, the declaration was referred to the Committee on Internal Improvements.

Mr. Armstrong, of Lamar, moved that Mr. Bryant, of Grayson, be added to the Committee on Apportionment.

There being no objection, it was so ordered.

Mr. Thomas offered the following resolution:

Resolved, That until the 15th day of the present month, both morning and evening sessions of this Convention be devoted to the formation of a Constitution.

[Mr. Evans, of McLennan, in the chair.]

Mr. Davis, of Meek, offered the following resolution:

Resolved, That this Convention will take a recess from and after the 20th August, to last till 3d day of December next, subject, in the meantime, to be called together by the ———, if deemed necessary.

Resolved, 2. That hereafter the Convention will act on no business other than the formation of a Constitution, and the ordinances or declarations necessarily incident thereto, and the ordinance providing for the collection of the School Fund due by the State.

Mr. Davis, of Nueces, moved a suspension of the rules for the immediate consideration of the resolution, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bellinger, Bledsoe, Bryant of Grayson, Burnett, Carter, Coleman, Curtis, Degener, Downing, Evans of McLennan, Fayle, Fleming, Goddin, Hunt, Johnson of Harrison, Jordan, Kealy, Kendall, Keuchler, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Posey, Schuetze, Scott, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—44.

Nays—Messrs. Armstrong of Jasper, Bell, Board, Boyd, Buffington, Cole, Constant, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Keigwin, Morse, Mundine, Phillips of Wharton, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Wilson of Brazoria—26.

So the Convention refused to suspend the rules.

The President announced the hour had arrived to take up the regular business made the special order of the day, which was the motion to reconsider the vote by which the substitute to the report of the Committee on Internal Improvements was laid on the table.

Mr. Hamilton, of Travis, moved that consideration of the motion be postponed until Friday, August 10, 1868, at 10 o'clock.

Carried.

The next business in order was the consideration of the substitute offered by Mr. Evans, of McLennan, to the twenty-third section of the report of the Executive Committee.

The question recurred upon the adoption of the substitute, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Bledsoe, Burnett, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Foster, Hunt, Johnson of Harrison, Jordan, Kendall, Keuchler, Leib, Lippard, Long, Muckleroy, Newcomb, Oaks, Patten, Ruby, Smith, of Galveston, Slaughter, Smith of Marion, Sumner, Talbot, Whitmore, Wilson of Brazoria—31.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Boyd, Brown, Bryant of Grayson, Buffington, Carter, Cole, Fayle, Flanagan, W. Flanagan, Gaston, Glenn, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Kealy, Keigwin, Lindsay, Mackey, McWashington, Morse, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Milam, Wright, Yarborough—44.

So the Convention refused to adopt the substitute.

Mr. Hamilton, of Travis, moved the previous question upon the adoption of the 23d Section.

Previous question seconded.

The question recurred "Shall the main question be now put?"

Main question ordered.

The question recurred "Shall the section be adopted?" upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Boyd, Brown, Bryant of Grayson, Buffington, Carter, Cole, Fayle, Flanagan, Flanagan W., Fleming, Gaston, Glenn, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Leib, Lindsay, Mackey, McWashington, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—48.

Nays—Messrs. President, Bell, Bledsoe, Burnett, Coleman, Constant, Curtis, Degener, Downing, Evans of McLennan, Foster, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Lippard, Long, Morse, Muckleroy, Newcomb, Oaks, Patten, Ruby, Smith of Marion, Sumner, Talbot, Wilson of Brazoria—28.

So Section 23 was adopted.

Mr. Patten offered the following amendment to Section 24.

Amend Section 24, line two, strike out the words "now fixed by law," and insert "of three thousand dollars."

The amendment was agreed to.

Mr. Sumner offered the following amendment:

Amend by striking out the words "and Attorney General," in line two.

The Convention refused to adopt the amendment.

Mr. Armstrong of Jasper, offered the following substitute for Section 24.

The Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Attorney General, and Superintendent of Public Instruction, shall receive for their salaries such sums of money as shall be fixed by law.

The Convention refused to adopt the amendment.

Mr. Lindsay moved to substitute the word "his," instead of "their," in third line.

Adopted.

Section 24, upon motion, was adopted.

Mr. Evans, of McLennan, offered the following amendment.

Amend by striking out Section 25, entire.

The Convention refused to adopt the amendment.

On motion, Section 25 was stricken out.

Mr. Evans, of McLennan, offered the following amendment to Section 26.

Amend by striking out the entire last sentence.

The Convention refused to adopt the amendment.

Mr. Constant offered the following amendment.

Strike out "it shall be filled by appointment by the Governor," and insert "the Governor shall fill it by appointment."

The Convention refused to adopt the amendment.

Upon motion, Section 26 was adopted.

The President announced the next business in order was the report of the Committee on General Provisions.

Mr. Buffington moved that the Convention go into Committee of the Whole, upon the report.

Lost.

Mr. Burnett moved to adopt each section *seriatim*.

Carried.

On motion, the preamble to the Bill of Rights was adopted.

Mr. Evans, of McLennan, offered the following amendment.

Strike out the word "subordination," and insert "subordinates."

Mr. Armstrong moved a reconsideration of vote adopting the amendment.

Carried.

Mr. Hamilton, of Travis, moved the insertion of the word "in," before the word "subordination," third line of Section 1.

Carried.

Mr. Lindsay offered the following amendment to Section 1.

In third line, in place of the word "therein" between the words "embodied," and "can," insert the word "herein."

Mr. Evans, of McLennan, moved that the letter "t" before the word "therein," be stricken out.

Carried.

On motion, Section 1 was adopted.

Mr. Burnett offered the following amendment to Section 2.

Add, after the word "privilege," "except in consideration of public service."

The Convention refused to adopt the amendment.

Mr. Carter moved to insert the word "are," between the words "men," and "is," in first line of Section 2.

The Convention refused to adopt the amendment.

Mr. Bellinger moved to insert the letter "n," before the word "or," in second line.

Lost.

On motion, Section 2 was adopted.

Under the rule, the Convention adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Roll called. Quorum present.

Mr. Smith, of Marion, asked temporary leave of absence for Mr. Grigsby.

Leave granted.

Mr. Bryant, of Grayson, asked leave of absence for Mr. Scott, of Lamar, for an indefinite period.

Mr. Armstrong, of Lamar, asked leave of absence for Mr. Whitmore, after Thursday next.

Leave granted.

Mr. Wilson, of Brazoria, asked temporary leave of absence for Mr. McCormick.

Leave granted.

The chair decided, under the resolution regulating the sessions of the Convention, that in the evening session each member, beginning alphabetically, may call up any particular business he may desire; but the Convention failing to dispose of the business so called up, it could not be called up on the following evening.

Mr. Hamilton, of Travis, appealed from the decision of the chair.

The question recurred, "shall the decision of the chair stand as the decision of the House?" upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bell, Bellinger, Bledsoe, Boyd, Brown, Butler, Burnett, Coleman, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Hunt, Johnson of Harrison, Kendal, Kuechler, Leib, Lippard, McWashington, Morse, Munroe, Newcomb, Oaks, Patten, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Thomas, Talbot, Vaughan, Whitmore, Williams, Wilson of Milam, Yarborough—38.

Nays—Messrs. Adams, Armstrong, of Lamar, Board, Buffington, Carter, Cole, Constant, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harris, Horne, Johnson, of Calhoun, Jordan, Kealy, Keigwin, Mackey, Mills, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Rogers, Stockbridge, Varnell, Watrous, Wilson, of Brazoria, Wright—31.

So the decision of the chair was sustained.

Mr. Armstrong, of Lamar, called up the report of the Committee on Counties and County Boundaries, and asked to make the special order for Friday next.

Mr. Thomas moved to lay the whole matter on the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Bellinger, Bledsoe, Boyd, Brown, Burnett, Coleman, Constant, Downing, W. Flanagan, Glenn, Harris, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Kendal, Lindsay, Mackey, Munroe, Newcomb, Phillips of San Augustine, Posey, Rogers, Smith of Galveston, Smith of Marion, Thomas, Wilson, of Milam—29.

Nays—Messrs. President, Armstrong of Lamar, Bell, Board, Buffington, Carter, Cole, Curtis, Degener, Evans of McLennan, Fayle, Flanagan, Fleming, Foster, Goddin, Hamilton of Travis Horne, Hunt, Jordan, Kuechler, Leib, Lippard, McWashington, Mills, Morse, Muckleroy, Mundine, Oaks, Patten, Pedigo, Phillips of Wharton, Schuetze, Slaughter, Stockbridge, Sumner, Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson, of Brazoria, Wright, Yarborough—44.

So the Convention refused to lay the matter upon the table.

The question recurred upon the adoption of the declaration respecting the formation of the county of Webster, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Buffington, Carter, Cole, Downing, Evans of McLennan, Fayle, Flanagan, Fleming, Foster, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kuechler, Lippard, Long, McWashington, Mills, Morse, Muckleroy, Mundine, Oaks, Patten, Pedigo, Phillips of Wharton, Scott, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—48.

Nays—Messrs. Armstrong of Jasper, Bellinger, Board, Boyd, Bryant of Grayson, Burnett, Constant, Degener, W. Flanagan, Glenn, Harris, Leib, Lindsay, Munroe, Newcomb, Phillips of San Augustine, Posey, Rogers, Smith of Marion, Sumner, Thomas—21.

So the declaration was adopted.

The next declaration of the report being the declaration for the formation of the county of Oakland.

Mr. Schuetze moved to re-commit the declaration to the Committee on Counties and County Boundaries.

Mr. Johnson, of Calhoun, moved to lay the declaration upon the table.

Motion withdrawn.

The declaration was referred to the Committee on Counties and County Boundaries.

The declaration creating the county of Delta was next in order.

Mr. Cole offered the following amendment:

Amend by adding, in line seven, section one, after the word "beginning," these words:

"Provided that the county seat of Hopkins county shall be removed from Tarrant to Sulphur Springs."

The amendment was adopted.

Mr. Constant moved the whole subject be indefinitely postponed,

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Burnett, Constant, Glenn, Harris, Leib, Lindsay, Long, Munroe, Newcomb, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Sumner, Thomas, Varnell, Wright—24.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Buffington, Carter, Cole, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hunt, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lippard, McWashington, Mills, Morse. Muckleroy, Mundine, Oaks, Pedigo, Phillips of Wharton, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Yarborough—43.

So the Convention refused to postpone.

The question recurred upon the adoption of the declaration.

It was adopted.

The declaration next in order was the declaration creating the county of Richland.

Mr. Evans, of McLennan, moved to amend by the insertion of the word "and" in line number one of section three, instead of the word "or."

Carried.

The declaration next in order was the declaration creating the county of White.

Mr. Kealy moved to lay the declaration on the table.

Carried.

Under the rules the Convention adjourned until nine o'clock to-morrow morning.

CAPITOL, AUSTIN, TEXAS,
AUGUST 5, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Mundine presented the following petition, from the citizens of Burleson county, opposing the formation of a new county to be taken from the territory of said county.

On motion the reading was dispensed with, and the petition was referred to the Committee on Counties and County Boundaries.

Mr. Smith, of Galveston, from the Committee to examine Controller's and Treasurer's offices, offered the following report and accompanying declaration:

COMMITTEE ROOM,
Austin, Texas, August 5, 1868.

Hon. E. J. DAVIS,
President Convention:

SIR: The standing committee to examine the Comptroller's and Treasurer's offices having discharged that duty, respectfully report: That the utmost scrutiny of the Comptroller's and Treasurer's offices exhibit, on the part of the officers, the most disinterested devotion to the interests and economy of the State. The complex system necessary to guard these interests; the large number of books kept; the great variety of sources of revenue and disbursments necessarily kept separate, would make it impossible for any committee, in any reasonable time, to examine each one of the particular books in detail; but a general examination shows that for neatness, accuracy, care and order of arrangement, few similar offices in the United States can compete.

An examination of the accounts proves that the following recapitulation hereunto annexed is correct, to which reference is respectfully called:

The examination covers only that period embraced within the dates of September 3, 1867, and August 1, 1868—the official terms of the present incumbents.

An examination of the building and appliances induce this committee to submit an ordinance appropriating a sum of money believed to be sufficient to meet the requirements of the two departments, in order to secure the safety of their archives, and the preservation of the building. Another safe is necessary for the treasurer; more furniture is requisite for both offices, and your committee cannot do better than submit the following views of the Comptroller himself:

It is the opinion of the Comptroller that the law for the assessment and collection of Taxes is in many respects impracticable, and should be modified; and that it is of the first importance to the proper and efficient control of the public funds that he should be invested with full power to enforce all laws over defaulting assessors and collectors and all others intrusted with the public money and property.

There is now outstanding against assessors and collectors about eighty thousand dollars, ($80,000), with but a poor prospect of collection, owing to the inefficiency of the district attorneys, sheriffs, courts, &c. There had but one suit been brought by the Comptroller against assessors and collectors since the rebellion to the fourth of September, 1867. Since that time, sixteen suits have been brought by the Comptroller, who doubts whether enough money will be realized to pay the costs of the suits.

All persons entrusted with public money, no matter from what source derived, or public property, should be compelled, by the most summary process, to account for the same to the Comptroller, at such times as he may prescribe, and under such rules and regulations as he may indicate; and should any party fail to do so satisfactorily, he should be suspended from office by the Comptroller, and the Comptroller should be required to report each case to the ensuing Legislature, and ask that his action be ratified. Assessors and collectors have been heretofore appointed and removed in all cases, without consultation with the Comptroller.

By virtue of an act concerning the five per cent. imdemnity bonds, approved 30th of October, 1866, this subject is under the exclusive management of the executive, but what has been done, or is now being done for their recovery, your committee have not inquired.

The area of the State is estimated at 175,594,560 acres; against which there are claims of all classes, perfect and outstanding, amounting to 82,594,560.

Leaving, unincumbered by any claim, 93,000,000 acres.

Patented lands of the State of Texas, including lands granted by the Mexican government, and titles confirmed by the Legislature, amount to	77,723,272
Assessed for taxation................................	50,839,063
Leaving untaxed................................	26,884,209

Of the 50,839,063 acres, from which the State derives revenue, a very large amount is taken up by the assessors and collectors as "unrendered."

Your committee take great pleasure in presenting the annexed exhibit of accounts to the people of Texas. Two independent departments, handling the whole revenues of the State separately, without the loss of a dollar, or a single defect in calculation, is the surest guarantee to the people of the integrity and ability of their public officers.

ROBT. K. SMITH,
Chairman.

DECLARATION

Be it declared by the people of Texas in Convention assembled: That the sum of three thousand dollars, or so much thereof as may be necessary, be and is hereby appointed out of any money in the treasury, not otherwise appropriated, to repair the Controller and Treasury Building, and purchase the necessary fixtures and furniture.

Mr. Munroe, from the Committee on Engrossed Provisions, made the following report:

COMMITTEE ROOM,
Austin, August 3, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Engrossed Provisions, after examination, instruct me to report the following resolutions as correctly engrossed, viz:

No. 31. Resolution ordering one thousand copies of the Austin Daily Republican, and five thousand copies of the San Antonio Free Press.

No. 32. Resolution requesting the arrest of one C. C. Gillespie, for advising the assassination of M. C. Hamilton and C. Caldwell, members of this Convention.

No. 33. Resolution appointing a committee to proceed to Millican, to investigate the recent disturbance there.

No. 34. Resolution appropriating five hundred dollars for the arrest of the attempted assassin of Judge Cooley.

No. 35. Resolution appropriating five hundred dollars to pay telegrams.

No. 36. Resolution requesting the Congress of the United States to appoint a committee to enquire into the condition of the State.

No. 37. Resolution requesting Major-General J. J. Reynolds to appoint one or more commissioned officers to participate in the investigation of the Millican disturbance.

Respectfully submitted,
A. T. MUNROE,
Chairman.

Report adopted.

Mr. Flanagan, from the Committee on Internal Improvements, offered the following reports:

COMMITTEE ROOM,
Austin, August 5, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your committee have had before them a declaration presented by the delegate from Calhoun, Mr. Johnson, asking relief for the San Antonio and Mexican Gulf Railroad Company. Upon examination it is found that this company is not indebted to the School Fund, or State of Texas, and that the enterprize is a laudable one, and has been ruined by the war.

The premises all considered, the committee instruct me to report back the declaration with a recommendation that the relief be granted.

Respectfully,
J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

COMMITTEE ROOM,
Austin, Texas, August 5, 1868.

Hon. E. J. DAVIS,
President of Convention:

Your Committee on Internal Improvements have had before them a declaration presented by the honorable delegate from McLennan, A. J. Evans, asking relief or protection for all the railroads in the State that might be prejudiced for the want of the proper legislation, as is contemplated by regular session.

The premises all considered, I am instructed to report back the accompanying declaration, and to recommend the adoption of the same.

Respectfully submitted,
J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

Mr. Yarborough introduced the following resolution:

Resolved, That the Commissioner of the General Land Office be required to deliver to G. Yarborough two land patents, the one in the name of J. M. Moore, for three hundred and twenty acres; and the other in the name of M. Lasater, for one hundred and sixty acres. He, the said Yarborough, having performed his duty as shown by a statement from the land office, shall have the full benefit of the deposits made on such claims.

On motion, the resolution was referred to the Committee on Finance.

Mr. Goddin introduced the following declaration:

A DECLARATION

Creating the County of San Jacinto.

SECTION 1. That all the territory comprised within the following lines, shall be a new county, to be called the county of San Jacinto, viz:

Beginning in the channel of Trinity river, at a point opposite the mouth of Carolina creek, in Walker county, running in a due line from thence to the head of the east branch of Peach creek, in Montgomery county, thence down the channel of said Peach creek to a point parallel with the thirtieth degree and twenty minutes north latitude, in said Montgomery county; from thence on a due line through one corner of Liberty county to the channel of Trinity river, at the same point where the present southern line of Polk county crosses the channel of said Trinity river, thence up the channel of said Trinity river to the place of beginning.

SEC. 2. That the town of Cold Springs, in the present county of Polk, shall be the county seat of said county of San Jacinto.

SEC. 3. That at the first general election hereafter held for county officers, the said county of San Jacinto shall be organized by the election of such officers as other counties have under the laws of this State; John Jackson, Levy L. McMicken and James Hoyne, be, and they are hereby appointed commissioners, with full powers and authority to superintend and conduct said election, and give certificates to the persons elected.

Mr. Armstrong, of Jasper, moved the declaration be referred to a special committee of three.

Carried.

The President appointed Messrs. Armstrong, of Jasper, Pedigo, and Goddin, as the committee.

Mr. Bledsoe introduced the following declaration:

AN ORDINANCE

For the relief of Administrators, Executors, Guardians and Trustees.

Be it ordained by the Representatives of the people of Texas in Convention assembled:

That all the administrators, executors, guardians and trustees in this State who, in good faith, received in payment of any claim or claims due them in their fiduciary and trust capacity, during the late rebellion, any of the so-called treasury notes, promises to pay, or paper purporting to be money of any kind, issued by the pretended authority of the late so-called Confederate States, and paid the same over to any receiver, receivers, or their agents, of said so-called Confederate States; or kept the same on hand until it became worthless by the termination of the late rebellion; provided such administrator, executor, guardian or trustee did not act fraudulently in the receiving, paying over, or holding on hand any such paper purporting to be money, shall not be held liable by the estates, or heirs to the estates, or any creditor or creditors thereof, or their wards or principals, or any other person whatever, for any such paper purporting to be money or currency so received, or the obligation or obligations upon which such paper or currency was so paid; but in all cases where such paper purporting to be money has been so received and paid out, or so received and kept on hand until it became worthless by the termination of the late rebellion, all such administrators, executors, guardians and trustees shall be and are hereby, by this ordinance, relieved from any and all responsibility or legal or equitable liability, or supposed responsibility or liability they may be now under, either for the paper or currency purporting to be money so received and paid over, or kept on hand by them, as aforesaid; and, also, from the claim or claims held by them, or either of them, upon which said paper or currency purporting to be money was so received.

And no suit shall be brought in any of the courts of this State (or, if brought, it shall be dismissed by the court, either on its own motion or by motion of the defendant), to recover any such claim or claims; and no bond or bonds, or any part thereof, given by such administrators, executors, guardians, or trustees, shall be recoverable against them or either of them, in such case; but all the acts of any such administrator, executor, guardian or trustee, done without fraud or malicious intent on his or her part, shall be valid and binding. and of full legal and equitable force and effect throughout the limits of this State.

Mr. Wilson, of Brazoria, introduced the following declaration, and asked its reference to the Committee on General Provisions:

WHEREAS, The property of many persons is being sacrificed under the sheriff's hammer, to satisfy judgments rendered against them, bringing sufficient in many cases only to pay the costs, not relieving the debtor, or paying the debt of the creditor.

Therefore be it declared by the people of Texas in Convention assembled, That any debtor whose property may be sold by virtue of a writ of execution, to satisfy the payment of debt, shall be entitled to redeem the same, at any time prior to the first day of January, 1874, by refunding to the purchaser or purchasers, the amount of money paid for the property thus sold, and for costs of said sale, together with interest thereon, at the rate of ten per cent. per annum, and by paying for all improvements put upon said property, the value of which shall be ascertained by two disinterested appraisers; *provided*, however, that no debtor shall redeem real estate thus sold, if it should bring two-thirds of its assessed value in 1860.

The declaration was referred to the Committee on General Provisions.

Mr. Carter offered the following resolution, and asked its reference to the Committee on Counties and County Boundaries.

Resolved, That the provision requiring that counties shall have an area of not less than nine hundred square miles shall be so altered, that counties hereafter formed shall have an area of not less than six hundred square miles.

It was so referred.

Mr. Munroe introduced the following declaration:

AN ORDINANCE

Concerning the Buffalo Bayou, Brazos, and Colorado Railroad Company, and its dêbt due the State.

WHEREAS, It is expedient, as well for the welfare of the Buffalo Bayou, Brazos, and Colorado Railway Company, as for the State, that the debt due from that company to the State for the special school fund, shall be adjusted, and the State declare her intentions in relation thereto; and

WHEREAS, Certain propositions have been made to the Governor of the State in relation thereto, by the said company,

SECTION 1. *Be it declared and ordained as follows:* That the amount of $98,000, interest paid in Texas bonds and treasury warrants, shall be declared no payment.

SEC. 2. That the amount of principal and interest due by said company, as aforesaid, up to and on the first day of March, 1868, was $597,810 25, and that the same, from and after that date, shall be regarded, for the payment of interest, as a principal sum then due, but that the period of the payment thereof shall be extended for the period of twenty years from March 1, 1868; the interest, however, accruing thereon, shall be paid at the rate specified in their bonds, and also the sinking fund, therein expressed, accruing from that date, and upon the non-payment of the same; that is to say, the interest and sinking fund, so as to accrue from that day annually, that there, in that case, the whole amount shall become instantly due, and may be proceeded upon as provided in the bonds and the law.

SEC. 3. The said company, in order to be entitled to the benefit of this act, shall deposit with the Governor of this State, as collateral security for the payment of the interest and sinking fund, so as to become due on the first day of March, 1869, (such interest alone amounting, March 1, 1869, to $35,869 15,) a certificate from the Houston and Texas Central Railway Company, calling for seventy-five of its first mortgage seven per cent. land grant sinking fund gold bearing bond coupons, Nos. 1, 2, 3, and 4 cut off.

Said deposit shall be made within five days from and after the passage of this ordinance, and shall be duly assigned to the Governor.

Provided, nevertheless, that such deposit shall be returned to said company, either upon the payment of such interest and sinking fund in March next, or so soon as the company shall have expended upon the road in permanent improvements, rolling stock, or in the way of an iron bridge across the Brazos, the sum of one hundred and fifty ($150,000,) thousand dollars.

SEC. 4. All liens to the State to remain in full force and virtue.

Mr. Patten asked a suspension of the rules for the immediate consideration of the declaration.

Upon which the yeas and nays were demanded, and resulted thus:

YEAS—Messrs. President, Bellinger, Degener, Downing, Evans of McLennan, Fayle, Grigsby, Hunt, Leib, Lippard, Long, Mackey, McWashington, Munroe, Newcomb, Patten, Ruby, Slaughter, Smith of Marion, Talbot, Whitmore, Williams, Wilson of Milam —23.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Brown, Bryant, of Grayson, Buffington, Burnett, Carter, Cole, Coleman, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Harris, Horne, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kuechler, Morse, Muckleroy, Mundine, Oaks, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Watrous, Wilson of Brazoria, Wright, Yarborough—47.

So the Convention refused to suspend the rules.

Upon motion, the declaration was referred to the Committee on Internal Improvements.

Mr. Thomas introduced the following resolution:

Be it resolved, That the following be a rule of this Convention:

The per diem pay of members who are now absent, or who may hereafter absent themselves from the regular sessions of this Convention, unless on the business of this Convention, or by reason of sickness, shall cease during the time of their absence.

Mr. Armstrong, of Lamar, moved a suspension of the rules to take up resolution.

Rules suspended.

Mr. Evans, of McLennan, moved to insert the word "personal" before the word "sickness" of the member.

Mr. Flanagan moved to lay the amendment on the table.

Carried.

Mr. Varnell offered the following amendment:

Amend by striking out "those members now absent," and only apply to those who may hereafter absent themselves, or be excused.

Mr. Slaughter moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Armstrong of Lamar, Boyd, Bryant of Grayson, Burnett, Carter, Coleman, Constant, Curtis, Downing, Evans of McLennan, W. Flanagan, Fleming, Harris, Johnson of Harrison, Jordan, Kendal, Kuechler, Lindsay, Lippard, Long, Muckleroy. Newcomb, Oaks, Patten, Phillips of San Augustine, Posey, Schuetze, Slaughter, Thomas. Whitmore, Williams, Wilson of Milam, Wright,—35.

Nays—Messrs. Bell, Bellinger, Bledsoe, Board, Brown, Buffington, Cole, Degener, Flanagan, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Calhoun, Keigwin, Leib, Mackey, McWashington, Morse, Mundine, Phillips, of Wharton, Rogers, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Watrous, Wilson of Brazoria—33.

So the amendment was laid upon the table.

Mr. Bellinger moved to lay the original motion upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bellinger, Cole, Gaston, Hamilton of Travis, Kuechler, Mills, Mundine, Munroe, Posey, Ruby, Scott, Smith of Marion, Stockbridge, Varnell, Wilson of Brazoria—15.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Glenn, Goddin, Grigsby, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Kendal, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Morse, Muckleroy, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Slaughter, Smith of Galveston, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Milam, Wright—56.

So the House refused to lay the resolution upon the table.

Mr. Wilson, of Brazoria, offered the following amendment:

Amend by adding "that nothing contained in the resolution shall stop the pay of any member who may be excused to wait on a sick colleague."

The amendment was adopted.

Mr. Armstrong, of Lamar, moved the previous question upon the passage of the resolution.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Main question ordered.

The question recurred upon the passage of the resolution, and it was adopted.

The following substituted, presented by Mr. Slaughter, to above, was read by request.

Resolved, That the per diem of members who may hereafter be absent from this body without an excuse, sufficient in the judgment of the President, be stopped; and that the per diem of members heretofore indefinitely excused, be stopped from this date; provided, they have availed themselves of the excuse granted them.

Mr. Munroe offered the following resolution, and asked its reference to the Committee on Counties and County Boundaries:

A DECLARATION

Removing the administration of the estate of James H. Leaverton from Anderson to Houston county.

Be it declared by the people of Texas in Convention assembled, That the administration of the estate of James H. Leaverton be, and is hereby removed from the county of Anderson to the county of Houston, and that the county clerk of Anderson be and is hereby authorized and required to make out, and forward to the county clerk of Houston county, a full transcript of the proceedings had in said Anderson county on the said estate.

SEC. 2. That this declaration take effect from and after its passage.

It was so referred.

Mr. Evans, of McLennan, offered the following declaration, and asked its reference to the Committee on General Provisions:

Be it declared, That the following shall be a section or clause in the new Constitution:

SECTION —. Whenever it shall be made known to the Governor of the State of Texas, that from unlawful combinations, sparcity of jurors, or other causes, that the criminal laws of the State of Texas cannot be faithfully executed, and criminals punished, in any county in the State, he shall have the power, by proclamation, to order that the courts in the nearest county, free from like objections, shall take jurisdiction, and try all criminals for crimes that have been committed before said proclamation, in said rescuant county, and he may keep said proclamation in force until he is satisfied that crimes and criminals can be punished in said county.

It was so referred.

Mr. Kuechler introduced the following declaration, and asked its reference to the Committee on Finance:

Be it declared by the people of Texas in Convention assembled, That the county court of Gillespie county be authorized to levy a special tax for the purpose of paying the present indebtedness of the county.

1. Said special tax shall not exceeed ten cents per hundred dollars of the assessed property; that of occupations shall be the same as the State levies.

2. Said taxes can be paid in county warrants, already issued by the county court of Gillespie county, or in money.

3. When the amount of $100 or more is in the treasury, it shall

be the duty of the treasurer to give ten days' notice, according to law, to the warrant holders for prosecuting their claims, and under all circumstances the oldest shall be first paid.

4. The assessor and collector and county treasurer shall not be entitled for any fees whatever for assessing, collecting and disposing of the money.

5. It shall be the duty of the treasurer to keep in a separate book a record of all acts done and monies collected and disposed of under this declaration.

It was so referred.

The President announced the business in order was the unfinished business of yesterday, which was the report of the Committee on General Provisions.*

Mr. Thomas offered the following substitute to section 3 of the Bill of Rights:

Substitute section 3, and the following sections to 21, inclusive, of the Bill of Rights of the Constitution of 1845.

Mr. Bellinger moved to lay the substitute upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bellinger, Carter, Degener, Downing, Newcomb, Ruby, Scott, Slaughter, Smith of Galveston, Whitmore, Yarborough—12.

Nays—Messrs. Armstrong, of Lamar, Armstrong, of Jasper, Bell, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Cole, Coleman, Constant, Curtis, Evans, of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kuechler, Leib, Lindsay, Long, McWashington, Morse, Muckleroy, Mundine, Munroe, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson, of Milam, Wright.—58.

So the Convention refused to lay the substitute upon the table.

The question recurred upon the adoption of the substitute.

The Convention adopted the substitute.

Mr. Thomas moved that the Bill of Rights be referred to the Executive Committee.

The Convention refused to refer.

Mr. Lindsey moved to take up the substitute by sections, and act upon it *seriatim*.

---

*For report see page 236.

Carried.

On motion, section 3 was adopted.

Mr. Lindsay moved the word "shall" and brackets in section 4, be stricken out.

Carried.

On motion, section 4 was adopted.

Mr. Jordan offered the following amendment:

Insert at the end of section 5, "to express the truth."

Mr. Degener moved to lay the amendment upon the table.

Carried.

Mr. Smith, of Galveston, moved to strike out the last clause after the word "privilege."

Lost.

On motion, section 5 was adopted.

Mr. Lindsay moved to substitute the word "prosecution" for the word "indictments," in fourth line of section 6.

Carried.

Mr. Evans, of McLennan, moved to strike out the words "the law and," in section 6, line five.

Mr. Flanagan moved to lay the amendment on the table.

Carried.

On motion, section 6 was adopted.

Mr. Degener moved to strike out the brackets in first line.

Carried.

Mr. Lindsay moved to amend by striking out the word "then" and insert the words "such place, person or thing," in fourth line of section 7.

Amendment adopted.

On motion, section 7 was adopted.

Mr. Lindsay moved to amend section 8 by inserting the words, "under some judicial proceeding," after the word "but" in seventh line of section 8.

The Convention refused to agree to the amendment.

On motion, section 8 was adopted.

Mr. Newcomb moved that section 6 of the report of the committee be substituted for section 9 of the adopted substitute.

Under the rules, the Convention adjourned until this afternoon, at four o'clock.

AFTERNOON SESSION—FOUR O'CLOCK.

Roll called. No quorum.

Mr. Smith of Marion moved to adjourn until to-morrow morning at nine o'clock.

Lost.

Mr. Slaughter moved to adjourn until nine oclock to-morrow morning.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bledsoe, Evans of McLennan, Schuetze, Slaughter, Smith of Marion—5.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Carter, Coleman, Curtis, Flanagan, Foster, Harris, Hunt, Jordan, Kealy, Keigwin, Kendal, Leib, Morse, Muckleroy, Munroe, Patten, Phillips of San Augustine, Rogers, Sumner, Talbot, Thomas, Varnell, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—35.

So the Convention refused to adjourn.

Mr. Evans of McLennan moved a call of the house.

Call sustained.

Mr. Smith of Marion asked leave of absence for Mr. Grigsby.

Leave granted.

Mr. Burnett asked leave of absence for Mr. Pedigo.

Leave granted.

Mr. Evans of McLennan moved the call of the house be suspended.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Burnett, Carter, Coleman, Curtis, Degener, Evans of McLennan, W. Flanagan, Foster, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Lindsay, Lippard, Long, Morse, Muckleroy, Mullins, Munroe, Patten, Phillips of San Augustine, Sumner, Thomas, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wright, Yarborough—37.

Nays—Messrs. Bellinger, Brown, Flanagan, Hamilton of Travis, Harris, Horne, Keigwin, Leib, Phillips of Wharton, Posey, Rogers, Schuetze, Slaughter, Smith of Marion, Talbot, Watrous, Wilson of Milam—17.

So the call of the house was suspended.

Mr. Hamilton of Travis moved a call of the house.

Call sustained.

Mr. Evans of McLennan moved the Convention adjourn until to-morrow morning at nine o'clock.

Motion withdrawn.

Mr. Bryant of Grayson offered the following resolution:

Resolved, That every member who is absent from his seat twenty minutes at any time on a call of the house, without a legal excuse or consent of the Convention, shall forfeit his *per diem* for that day.

Mr. Hamilton of Travis moved a suspension of the call of the house.

Carried.

Mr. Hamilton of Travis moved a suspension of the rules, for the immediate consideration of the resolution offered by Mr. Bryant of Grayson.

Rules suspended.

Mr. Flanagan moved the previous question upon the adoption of the resolution.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Curtis, Flanagan, W. Flanagan, Foster, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kendal, Leib, Lindsay, Mackey, McWashington, Muckleroy, Mullins, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—56.

Nays—Messrs. President, Armstrong of Jasper, Brown, Degener, Evans of McLennan, Goddin, Jordan, Kealy, Kuechler, Morse, Posey, Slaughter, Smith of Marion, Yarborough—14.

So the main question was ordered.

Mr. Mundine moved a reconsideration of the vote ordering the main question.

Mr. Flanagan moved to lay the motion to reconsider upon the table.

Motion withdrawn by leave.

Mr. Flanagan renewed the motion to lay on the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Curtis, Flanagan, W. Flanagan, Foster, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Kendal, Leib, Lindsay, Mackey, McWashington, Muckleroy, Munroe, Phillips of San Augustine, Phillips, of Wharton, Rogers, Schuetze, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—42.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Brown, Degener, Evans of McLennan, Fleming, Goddin, Hunt, Kealy, Kuechler, Lippard, Morse, Mullins, Mundine, Patten, Posey, Scott, Slaughter, Smith of Marion, Stockbridge, Whitmore—21.

So the motion to reconsider was laid upon the table.

The question recurred upon the adoption of the resolution.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Buffington, Burnett, Carter, Coleman, Curtis, Flanagan, W. Flanagan, Foster, Fleming, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Calhoun, Johnson of Harrison, Jordan, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Stockbridge, Sumner, Thomas, Talbot, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—47.

Nays—Messrs. President, Armstrong, of Jasper, Brown, Degeener, Evans of McLennan, Goddin, Kealy, Kuechler, Morse, Mundine, Mullins, Patten, Posey, Scott, Slaughter, Smith of Marion, Yarborough—17.

So the resolution was adopted.

Mr. Bell, of Austin, called up the declaration to incorporate the Bellville, Hempstead and Brazos Bridge Company.

The declaration was read and adopted.

Mr. Evans, of McLennan, moved a suspension of rules for the further consideration of the declaration.

Rules suspended.

Mr. Thomas moved to refer the matter to the next Legislature.

Ruled out of order.

Mr. Thomas moved to postpone the subject until the first Monday in December.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Bellinger, Bledsoe, Boyd, Bryant, of Grayson, Burnett, Constant, Curtis, Foster, Glenn, Johnson, of Harrison, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Mullins, Posey, Rogers, Ruby, Sumner, Talbot, Thomas, Vaughan—27.

Nays—Messrs. Adams, Armstrong, of Lamar, Bell, Board, Brown, Buffington, Carter, Cole, Degener, Evans, of McLennan, Flanagan, W. Flanagan, Gaston, Goddin, Hamilton, of Travis Horne, Hunt, Johnson, of Calhoun, Jordan, Kendal, Keuchler, Lippard, McWashington, Morse, Muckleroy, Mundine, Munroe, Patten, Phillips, of San Augustine, Phillips, of Wharton, Schuetze, Scott, Slaughter, Smith, of Marion, Stockbridge, Varnell, Watrous, Whitmore, Wilson, of Brazoria, Wilson, of Milam, Wright--41.

So the Convention refused to postpone.

Mr. Constant offered the following amendment:

Strike out "five" and insert "three."

Mr. Smith of, Galveston, moved to lay the amendment on the table.

Lost.

The question recurred upon the adoption of the amendment.

It was adopted.

The question recurred upon the passage of the declaration as amended.

It was read third time and passed.

Mr. Bellinger called up the report of the Committee on General Provisions, the question being upon the substitute offered by Mr. Newcomb to the 9th section.

The Convention rejected the substitute.

Mr. Davis, of Nueces, offered the following amendment:

Strike out all of section from word "but," on 2nd line, down to end of section.

Mr. Flanagan moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Cole, Coleman, Constant, Curtis, Degener, Downing, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Kendal, Keuchler, Leib, Lindsay, Mackey, McWashington, Mills, Morse, Muckleroy, Mullins, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright, Yarborough—55.

Nays—Messrs. President, Bell, Carter, Foster, Goddin, Jordan, Lippard, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Wilson of Milam—14.

So the amendment was laid on the table.

Mr. Whitmore offered the following amendment:

Strike out all after "evident," in second line, to "but," in same line.

Mr. Burnett moved to lay the amendment upon the table.

Carried.

Upon motion, section nine was adopted.

Mr. Hamilton, of Travis, moved to amend section 10, by adding after the word "except," in second line, the words: "by act of the Legislature."

Carried.

Mr. Evans, of McLennan, offered the following amendment:

Amend by striking out the word "privileges," in line 7th, section 10, and insert the word "right."

The amendment was rejected.

Mr. Lindsay offered the following amendment:

After "except," in the second line, strike out "when," when it occurs, and insert "it" after the word "invasion."

The amendment was adopted.

Upon motion, section 10 was adopted.

Upon motion, section 11 was adopted.

Upon motion, section 12 was adopted.

Mr. Evans, of McLennan, offered the following amendment:

Amend, by inserting after the last words, "under such regulations as the Legislature may prescribe."

Amendment was agreed to.

Mr. Munroe moved to substitute the word "persons" for "citizens" in first line.

Carried.

Upon motion, section 13 was adopted.

Mr. Munroe offered the following substitute to section 14:

Amend, by adding at the end of the section the words: "and any stay law, or law impeding, suspending, obstructing or postponing the collection of debts, other than the laws in force at the contraction of such obligations, are hereby declared to be palpable violations of this provision, in addition to such other infractions as may be decided by law in the courts of the country."

The substitute was laid upon the table.

Mr. Newcomb offered section 8, of the original report, as a substitute to section 14.

The Convention refused to adopt the amendment.

Mr. Hamilton, of Travis, offered the following amendment:

Add at the end of section 14 these words:

"Nor shall any law be passed depriving a party of any remedy for the enforcement of a contract which existed when the contract was made."

Mr. Burnett moved to lay the amendment upon the table.

Lost.

The amendment was adopted.

Upon motion, section 14 was adopted.

Mr. Hamilton, of Travis, offered the following amendment to section 15:

Add at the end of the section these words:

"But they shall not be construed to prevent the Legislature from passing laws to punish by imprisonment, such persons as shall be convicted by a court of competent jurisdiction, of the fraudulent concealment of their property, to evade the payment of their just debts."

Mr. Jordan offered the following amendment to the amendment:

Amend by adding, "Except for fraud or defalcation after verdict and judgment of any court of competent authority."

On motion the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN. TEXAS,
August 6, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Flanagan asked leave of absence for Mr. Coleman for six days.

Leave granted.

Mr. Fayle presented the following petition from A. D. Robertson and others, asking a charter for a horse railroad at Houston, with accompanying declaration, and asked its reference to the Committee on Internal Improvements:

To the honorable the Convention of the State of Texas at Austin assembled, greeting:

The undersigned petitioners would respectfully petition your honorable body, and represent as follows, viz: That the city council of Houston have granted unto your petitioners a franchise to build, equip and run a horse railroad over certain streets within the limits of said city; and your petitioners would respectfully pray that they, the petitioners and their associates, be granted a charter by the honorable Convention for said purpose, and for the further extension of said roads outside of the limits of the city of Houston; and your petitioners herewith annex a frame for an act to incorporate the Bayou City Railway Company, in which is set forth the objects desired, and pray that your honorable body may grant the same.

And as in duty bound your petitioners will ever pray, etc.

W. D. ROBINSON,
GEO. GOLDTHWAITE,
WM. H. ALLEN,
F. A. G. GEARING,
THOMAS R. WHITE.

Houston, Texas, July 10, 1868.

AN ACT

To incorporate the Bayou City Railway Company.

SECTION 1. *Be it enacted by the Convention of the State of Texas*, That W. D. Robinson, George Goldthwaite, W. H. Allen, F. A. G. Gearing, J. S. Bachelder, W. J. Hutchins, Richard Allen, Shade Croome, Erastus Carter, C. B. Sabin, M. V. Brewster, Samuel Harper, J. G. Tracey, and their successors, be and the same are hereby declared to be a body corporate, in law and in fact, under the name and title of The Bayou City Railway Company.

SEC. 2. Said company shall have the right to construct, equip and run horse railroads upon such streets of the city of Houston as may have been designated by the mayor and aldermen of said city, and upon such other streets within the present or future corporate limits of said city as may be approved by said mayor and aldermen; and said company shall construct, equip and run said railroads upon the streets within the limits of said city, under such conditions and ordinances, as the mayor and aldermen of said city may provide and impose; and said company may extend their road beyond the limits of said city over the county of Harris, as follows, viz: From any point on the eastern boundary line of said city of Houston they may select, terminating at the town of Harrisburg; and from any point on the western boundary line of the city of Houston they may select, terminating at the Eureka Mills; provided, that they shall first obtain the right of way from the persons owning the land on the route selected for said road outside the city limits, and the roads constituting said extension beyond the city limits may use either horse or steam power.

SEC. 3. The capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each. Said company shall have the right to issue said stock upon such terms as they may deem essential to the construction and maintenance of their roads; and said company may, from time to time, as it may be required, increase their capital stock to an amount not to exceed five hundred thousand dollars.

SEC. 4. The affairs of said company shall be managed by a Board of Directors, in number not more than seven nor less than five, said Directors to be elected by the stockholders from their number, at their annual meeting. Said Directors shall elect one of their number to be President of the Board, and they shall designate all officers of the company, and shall manage its affairs under rules and by-laws to be made by the Board and approved by a majority of the stockholders.

SEC. 5. Said company shall have a common seal, and shall be subject to be sued at law, and shall have the right to sue, and the right to buy and hold property for the use of the company, and to sell and convey the same, and shall have power to borrow money on their bonds or notes at such rates as the Board of Directors may deem expedient; provided, however, that nothing in this act shall be so construed as to confer banking privileges of any kind.

SEC. 6. It shall be lawful for the corporators named in this act, and their associates, subscribers to the stock of the Bayou City Railway, to organize this company immediately after the passage of this act, and the officers then and thereafter elected shall hold their offices until their successors are elected. This charter shall continue in force for the period of twenty-five years. The legal domicil and place of business of said company shall be the city of Houston, Texas.

That this act be in force from and after its passage.

Mr. Hunt, from the Committee on State Affairs, made the following report.

COMMITTEE ROOM,
August 5, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on State Affairs, to whom was referred a petition from the citizens of Bexar county asking for the incorporation of an association to be called "The Germania Club," have had the same under consideration, and are in favor of granting the prayer of the petitioners.

We believe the object sought to be accomplished by the formation of said association to be in a high degree laudable, tending to promote social refinement and the general moral and intellectual improvement of society. Your committee therefore report the accompanying declaration to your honorable body, and ask its adoption.

H. C. HUNT,
Chairman.

Mr. Mullins made the following minority report from the Committee on Lawlessness and Violence:

Hon. E. J. DAVIS,
President of Convention:

SIR: The undersigned, member of the Committee on Lawlessness and Violence, would respectfully submit the following minority report:

It is due to myself to state that when I was placed on the committee its labors were well nigh concluded, the "supplementary report" nearly completed, and I only heard two or three of the witnesses testify. I, therefore, had no opportunity of cross-examining witnesses except two or three mentioned, or adducing rebutting testimony, by reason of the committee having closed its labors soon after I was added to it.

The clerk, however, furnished me with the written testimony upon which said supplementary report is founded, but I have not been able to examine the testimony on which the original report was made, because, as I was informed by the clerk, it had been sent to Washington, except so much of it as might be found in the records of the Freedmen's Bureau, which I have not had time to examine.

The evidence, as far as I have been able to examine it, is almost entirely hearsay, contained in mere statements, not sworn to, made for the most part by persons whose credibility is not supported by any established or known character. However well such persons might stand at home, there was nothing before the committee, so far as I am aware, going to show that they are reliable.

The majority of the committee use the following language in the supplementary report: "But what we insist on is, that many of the persons murdered were loyal men, and that they were murdered for their loyalty. To substantiate this statement, we now present some cases of recent occurrence not embraced in our former report.

"In the counties of Collin and Hunt, five men, well known as sterling loyalists, were brutally murdered within the last two weeks, by some rebel desperadoes."

This statement is made upon the authority of a letter addressed to J. W. Thomas, Esq., a member of this Convention, to which letter six names are signed. The letter referred to bears the impress of panic, and the fact that several names originally put down as killed have since been stricken out, shows how utterly unreliable their report is. No affidavits or other sworn testimony accompanies this letter. The letter avers that five Union men were killed by the Lee party, and from this the committee infer that they were killed because they were Union men. To show how unwarranted the committee were in making this inference, I quote from the official journal of this body, the Daily Austin Republican of July 11, 1868. The editor says: "The McKinney Messenger of the third July contains an account of the assassination of two men, Thomas and Doc. Walters, living in the edge of Hunt county, who were shot from the brush and killed by some of the Lee party. It seems that there are two parties in that neighborhood, known as the Lee party and the Peacock party, who employ their time in waylaying each other in the brush, and shooting each other in a most cowardly manner."

The two men, Thomas and Doc. Walters, mentioned by the editor of the Republican, were two of the five names mentioned in the letter to J. W. Thomas, Esq., as stated above, and were also two of the six Union men alleged to have been killed for their loyalty, in the quotation before made from the supplementary report of the committee.

It will also be remembered that five of the six men there alleged to have been killed for their loyalty, were killed, if at all, by this same Lee party; and if the editor of the Republican is correct in the statement above quoted, this killing grew out of a feud existing between two parties known as the Lee and Peacock parties, "who," as he says, "employ their time in waylaying each other in the brush, and shooting each other in a most cowardly manner."

There is nothing going to show that these are political parties; but if they were, they would both be equally culpable, if what the Republican states is true. But that the true character of this Lee and Peacock war may be known, I here insert an extract from a private letter published in the Austin Daily Republican of July 15, 1868, and indorsed by that journal as coming "from a prominent Unionist in Fannin county." It reads thus:

BONHAM, Fannin county, Texas,
July 8, 1868.

"As to news, except the incidents of the Lee and Peacock war, we have nothing exciting. The details of that war you have undoubtedly got from other sources. I am posted as to its incipiency. During the fall of 1865 or winter of 1866, Lee came to me for warrants against Peacock and others, alleging that they had kidnapped him, spirited him away to Choctaw bottom, and robbed him of all he had.

Two of the defendants, whose names I have forgotten, were brought before me, and the evidence sustained Lee's statement.

I held them to bail, and they forfeited their bonds. Afterwards Lee compromised with the remainder, and while drinking to friendship, one of them, Maddox, shot and wounded him. Lee then declared war, assembled his friends, a desperate gang, and commenced the work of slaughter. Reprisals followed; friends of the slain on each side came in, and the affair is growing to dangerous proportions. The commanding general should send a competent cavalry force here without delay.

——————— is the head of "Conservatism" in this county, chairman of the "Fannin Conservative Club." What he proposes to "do about it," I have no means of knowing. I am pleased to see him in the lead, as his natural instincts are tolerant and kindly. He will permit no Ku-klux organization; so far as party spirit is concerned, it does not run high in Fannin.

We get along very comfortably. We can poll some Radical white votes, but not enough, even with the blacks, to make a majority."

The foregoing letter speaks for itself, and is endorsed by high Republican authority, and, on at least one point, it is conclusive, that is, that the war going on between the Peacock and Lee parties is not political. From this letter no inference can be drawn as to the politics of the parties, but if it be claimed, and it is claimed in the report of the committee, that the Lee party is a rebel party, then I have only to say that the letter here quoted proves conclusively that the Peacock party (alleged to be loyal) were the aggressors in the incipiency of these troubles. This disposes of five out of six of the alleged murders of loyal men.

The other case, in which it is averred that a Unionist was murdered for his loyalty, is that of W. H. Upton, who, the committee say, was hung by a mob on the 3d in Brazos county.

A letter published in Flake's Galveston Daily Bulletin of July 31, 1868, written by Edward P. Upton, father of the alleged decedent, and enclosing a letter from Wm. Sheriff, father-in-law of W. H. Upton, fully explains the character and cause of the transaction. I here insert these letters, the authority of which will scarcely be questioned:

LETTER FROM REFUGIO COUNTY.

REFUGIO, Refugio county, Texas,
July 20, 1868.

To Editor Flake's Bulletin:

It is with a heavy heart I write to narrate another atrocity, and this time the victim is my own son. I send you for publication the following letter, just received from Judge William Sheriff, the father-in-law of my son, who formerly resided in this county, but now of Fort Bend county:

PITTSVILLE, Fort Bend county, Texas,
July 8, 1868.

To Judge E. P. Upton:

DEAR JUDGE: I have the sad task of relating to you the murder of your son Wheelock. Within the last two months Wheelock has made some trips between this neighborhood and the vicinity of Millican, driving beeves. On Monday, 29th ult., he left this place for Millican with a small drove of beeves, and on reaching Navasota he was arrested and put in jail on a warrant for stealing beeves from one Brookshire, of this neighborhood. He then sent for Mr. Gill, my brother-in-law, who went on his bond for $500, and he was then released. From there he went to his home, seven miles from Millican, where he was again arrested on another charge of same nature. In the night a band of men surrounded the house, and caused him and the sheriff, in whose charge he was, to go with them to Millican. At Millican the next day he was informed that he would have to return to Navasota to be tried, and a guard was appointed to take him there, and about 3 o'clock they started with him. Near close of day the guard returned to Millican, and reported that near a creek they were met by a large band of men who took their prisoner from them and liberated him. Then the authorities at Millican sent out to have him re-arrested. Mr. Gill, who remained at Millican, suspicious of circumstances, got one of the guard to show him where the pretended liberation took place, and was led by this man to a place where they found Wheelock hanging. All of Wheelock's property has been taken, his widow and child left totally destitute. Mrs. Upton and her child are with me here in Pittsville, where she has been for many weeks past under medical treatment.

I state facts and make no comments.

The perpetrators of this atrocity ought to be punished, but I am afraid they never will be. I leave here to-day for Wheelock's home, in order to try and regain anything for his widow and child, I'm afraid hopelessly. His property is gone. Mr. Gill, who has been living with Wheelock, brought me the news. He had an inquest held on the body, on which was found a letter without signature, but supposed to be from you, which the coroner read and commented on. The above mentioned Brookshire reported that Wheelock was the son-in-law of an old Union scoundrel living at Pittsville, and the whole crowd of Uptons and Sheriffs were d——d Abolitionists.

There is no safety for a Union man here. I ask for revenge, but apparently without any hope.

I shall be at the next court in Refugio.

Friendly yours,
WILLIAM SHERIFF.

My son, Wheelock H. Upton, and his father-in-law, left this county about two years since, to settle in Fort Bend county. They fled from prosecution here of the most annoying and atrocious character. They were branded as Union men, and charged with all the crimes known to the criminal calendar. The same proscription followed them, and some time since my son removed up the Brazos, to near Millican, and was pursuing his honest avocation, when foully murdered by a band of lawless desperadoes. My son's only crime was that he was a fearless Union man, and had by honest labor accumulated some property since the war. He was the son of the old Union Upton charged with high treason against the Confederate States, thrown into the loathsome jail of Gonzales, and there kept for the period of six months, and denied while there the writ of right by Judge Thos. Devine, who, I am told, is now pardoned and free, and again working in the interest of the rebels. He is the son-in-law of William Sheriff, who, during the war, was subjected to all sorts of prosecutions, imprisoned, his property stolen from him, and his life frequently threatened.

Sir, our own private wrongs we could and would have endured without a public murmur, but this last overflows the cup, and now we call loudly for justice, and justice we are determined to have. The murderers are known. If they are arrested and properly punished, by either a civil or military tribunal, it is well and good; if not, Wheelock H. Upton has still a father living, and numerous relatives and friends, who cannot be expected to sit quietly by, listening to the moans of his bereaved mother and sisters, the cries of his heartbroken wife, and the wail of his little orphaned child. I have placed the matter in the hands of General Reynolds, who I believe will use his best endeavors to bring this murderous band to justice. Should he fail, there is still left the right divine, the *lex talionis.*

Mr. Sheriff truly says there is no security for a Union man in this State. How long, sir, are we to endure this? Already the Union men in various parts of the State are banding together for mutual protection, and this will become general, unless something be speedily accomplished by Congress. I know that General Reynolds is doing all in his power for our relief, but unfortunately his power is limited. and relief may come too late to save us from civil war; for the Union men of the State, white and black, are determined that they will no longer submit to the present state of things.

I am, sir,

Very respectfully yours,

EDWARD P. UPTON.

I give these letters entire, because I desire that the full statement of the friends of the measure, which may be supposed to be the most favorable that can be made in his behalf may go to the world. Now, it is plain from these letters, without hearing anything on the other side, that R. H. Upton was hung (if at all) on a charge of stealing cattle, (whether he was guilty or innocent of the charge is immaterial,) and *not for his Unionism.*

The six alleged murders for loyalty are now fully exploded by the foregoing statement of facts, made solely by Republicans and on Republican authority.

The allegation of the committee that the attempt made to assassinate the Hon. A. O. Cooley, was because of his loyalty, is wholly gratuitous, and is not sustained by the evidence. On the contrary, it is now well established and notoriously known that the attempt on the life of Judge Cooley was made by a young man on account of an old grudge, growing out of family difficulties.

This disposes of all the cases adduced by the committee "to substantiate" the "statement" made by them, "that many of the persons murdered were loyal, and that they were murdered for their loyalty," and now I assert, on Republican authority, that not one of the parties named was killed on account of their loyalty; and I further assert that of all the homicides reported, *there is no evidence that any one of them was killed for his Unionism.*

Unfortunately, a great many homicides have been committed in Texas within the last three years, and no man's life is secure. These homicides have been committed without reference to party, race, or color, and the cause of them can justly be attributed to no other source than the want of an efficient, strong, civil government. Indeed, it is so obvious that there can be no security for life, liberty, or property, here or elsewhere, without such government. A full, lucid, and very satisfactory report from Montgomery county, which I have examined with much care, is very instructive on this subject.

This report, dated June 23, 1868, shows that thirty homicides have been committed in that county during the years 1865, 1866, 1867 and 1868. Of these ten were committed in 1865, when there was no civil government in force.

Five men were killed in 1866, twelve in 1867, and three in the present year up to the date of the report. It is a remarkable fact that only five men were killed in 1866, while the reconstruction policy of President Johnson was in force, and civil law executed, while double the number had been killed during the six or seven months preceding, while the country was in a state of anarchy. It is also remarkable that in 1867, twelve homicides were committed, and they must be committed after May, for the reporter says: "I made a report to General Griffin, and on this head I spoke thus to him—that I rejoiced to see crime on the decrease; that for four months of the year 1867, up to date, I had only issued three criminal processes." Now, when it is remembered that this was under the Throckmorton government, that the reconstruction laws of Congress were passed in March, 1867, and would become known and understood about the time this letter was written to General Griffin, and that afterwards crime increased so enormously that year that twelve men were killed before its close, in that county, no one can, I think, fail to be impressed with the idea that the disorganizing effect of the reconstruction policy of Congress, and the anomalous condition of the government inaugurated thereby, must have had something to do with the fearful increase of crime, of which the reporter from whom the quotation above is made, exclaims, in concluding the sentence quoted, "But, my God, since that time, crime has increased to an awful extent in various shapes,"—that is, since May, 1867.

A report from Polk county, which was before the committee, contains the following: "The reasons why the civil authorities have not enforced the laws are, that the officers are changed so often that they can't learn their duties, and a great many of them now being appointed, never will improve any. Cause: want of capacity." I fully concur with this reporter, and give it as my firm conviction, that the ignorance and inefficiency of the officers appointed under the present administration of our State government, constitute one of the most palpable sources of lawlessness and violence in the State.

In conclusion, I must state that I have not been able for want of time, to give a synopsis of the testimony in this report; but, I here affirm that there is not a scintilla of evidence, not an authenticated fact, that came before the committee, which could by any fair legitimate process of logical reasoning, be made to justify, or in the slightest degree palliate or excuse the insinuous effort of the comittee to fix the responsibility of the lawlessness and violence committed in the State on this Conservative party.

I regret that business compels me to leave this report incomplete, because I feel assured that a fair analysis of all the testimony would not only sustain my conclusions, but would fix the responsibility of any excess of crime that may have been committed in this State on those who, for the sake of power and the love of plunder, by unjustifiable appeals to Congress, and false representations of the disposition of our people, have prevented the State from being restored to its rightful relations in the Union of our fathers.

Very respectfully,
W. H. MULLINS.

Mr. Smith, of Galveston, moved to reject the report.

Motion to reject withdrawn.

Mr. Boyd offered the following declaration, and asked its refersnce to the Committee on State Affairs.

WHEREAS, The Penitentiary of the State of Texas, having been an expense to the State of Texas for several years, arising in a great degree from the frequent changes made in the officers of the said institution, therefore,

Be it resolved, That the following sections be engrafted in the new Constitution, and made a part thereof.

Be it declared, 1. That the Legislature shall, at its next session, immediately after assembling, provide by law for the leasing out of said institution by the Governor, to some responsible person or persons, upon such terms as may seem the most practicable by said Governor; provided, however, that the person or persons to whom the said institution is leased, shall enter into a bond, with good and sufficient securities, conditioned that the said lessee or lessees, shall take good care of the machinery and all appurtenances therein, and take all reasonable care of the health of the convicts therein, and provide them with healthy diet.

2. That the Legislature shall prohibit by law any discharged convict or convicts from remaining in the vicinity of said Penitentiary, except those convicts who were convicted and sentenced to serve a period of confinement in the said Penitentiary, in the county of Walker.

3. That the Legislature shall prohibit by law the State of Texas from paying the expenses of any prisoner and guard to the said Penitentiary, from the county in which he was convicted, whenever the said convict is pardoned by the Governor, within twelve months

from the date of his registration as a convict in the said institution.

It was so referred.

Mr. Mills moved to suspend the rules to take up the report of the Committee on Contingent Expenses, respecting the per diem pay of the official reporter.

The question being upon the resolution offered by Mr. Hamilton, of Travis, reported back by the Committee.

Mr. Phillips, of San Augustine, offered the following substitute :

Resolved, That the reporter be paid for his services to this time, and be discharged.

Mr. Mills moved to reject the substitute.

The question recurred upon the rejection of the substitute, upon which the yeas and nays were demanded and resulted thus :

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Board, Brown, Buffington, Butler, Burnett, Carter, Cole, Constant, Curtis, Degener, Downing, Flanagan, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kuechler, Leib, Lindsay, Mackey, McWashington, Mills, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Wright—47.

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Boyd, Evans of McLennan, Evans of Titus, Fleming, Grigsby, Kealy, Kendal, Morse, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Slaughter, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Yarborough—23

So the Convention rejected the substitute.

Mr. Whitmore offered the following amendment:

Amend by inserting " after the speeches made by members of this Convention have been written out, as reported and handed to the members making said speeches."

Mr. Mills moved to lay the amendment upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Board, Bryant of Grayson, Buffington, Butler, Burnett, Cole, Curtis, Evans of Titus, Fayle, Flanagan, Foster, Gaston, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Kealy, Keigwin, Kendal, Lindsay, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Watrous, Wright—38.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Boyd, Brown, Carter, Constant, Degener, Downing, Evans of McLennan, Fleming, Goddin, Grigsby, Jordan, Kuechler, Leib, Lippard, Mackey, Morse, Newcomb, Oaks, Patten, Phillips of San Augustine, Scott, Slaughter, Smith of Marion, Sumner, Vaughan, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Yarborough—35.

So the amendment was laid upon the table.

Mr. Hamilton, of Travis, moved the previous question upon the adoption of the resolution.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurred upon the adoption of the resolution, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Brown, Bryant of Grayson, Buffington, Burnett, Butler, Carter, Cole, Constant, Degener, Downing, Evans of Titus, Fayle, Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Leib, Lippard, Lindsay, Mackey, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips of Wharton. Posey, Rogers, Schuetze, Scott, Smith of Galveston, Smith of Marion, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—56.

Nays—Messrs. President, Bledsoe, Boyd, Curtis, Evans of McLennan, Grigsby, Morse, Newcomb, Oaks, Patten, Phillips of San Augustine, Slaughter, Stockbridge, Whitmore, Williams, Yarborough—16.

So the resolution was agreed to.

Mr. Mills moved that a committee be appointed to inquire into a disturbance between two members.

Carried.

Mr. Armstrong offered the following resolution:

Resolved, That Long, of Limestone, and Johnson, of Harrison, be committed to the jail of Travis county until a committee shall report upon the offense charged.

Mr. Hamilton, of Travis, moved the rejection of the resolution.

Carried.

The President appointed Messrs. Lindsay, Butler and Williams as the committee called for by Mr. Mills' resolution.

Mr. Mills moved a suspension of the rules to put resolution respecting the pay of the official reporter on its final passage.

Rules suspended.

Resolution read, and, upon its final passage,

The yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Adams, Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Brown, Buffington, Burnett, Carter, Cole, Constant, Degener, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Leib, Lindsay, Mackey, McWashington, Mills, Mullins, Mundine, Munroe, Pedigo, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wright—54.

Nays—Messrs. President, Bellinger, Bledsoe, Boyd, Bryant, of Grayson, Evans of McLennan, Grigsby, Lippard, Morse, Newcomb, Patten, Phillips of San Augustine, Slaughter, Whitmore, Williams, Wilson of Milam, Yarborough—17.

So the resolution was adopted.

Mr. Wright offered the following resolution:

Resolved, That the report of the Committee on Education be referred to the Judiciary Committee, with leave to amend or offer a substitute, as they may think proper.

Mr. Ruby moved to reject the resolution.

Carried.

Mr. Johnson, of Calhoun, offered the following resolution:

Resolved, That the Committee on Contingent Expenses be instructed to inquire into the matter of having the reporter write out in plain English characters all the debates he may have reported, and make a report as to how long it would take to translate and write out all the debates; and, also, how much will be the cost of the same.

On motion, the rules were suspended for the consideration of the resolution.

The question recurred upon the adoption of the resolution.

It was adopted.

Mr. Goddin offered the following resolution:

Resolved, That a committee of five be appointed by the President to investigate the truthfulness of the minority report from Committee on Lawlessness and Crime.

On motion the resolution was rejected.

Mr. Thomas offered the following resolution:

Resolved, That the session of the Convention this afternoon be devoted to the consideration of the report of the Committee on General Provisions.

By leave, the resolution was withdrawn.

Mr. Evans, of McLennan, moved a suspension of the rules to take up a resolution offered by Mr. Davis, of Nueces, respecting the taking of a recess by the Convention, and the order of business.

Mr. Flanagan moved a call of the House.

Call sustained.

Absentee: Mills.

The question recurred upon the suspension of the rules, upon which the yeas and nays were demanded.

Pending the announcement of the vote the Convention adjourned, under the rules, till four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Roll called. Quorum present.

Mr. Whitmore asked leave of absence for Mr. Schuetze.

Leave granted.

Mr. Bledsoe called up the resolution offered by Mr. Davis, on the fourth instant, respecting taking a recess, and what particular business shall be disposed of.

Mr. Buffington moved a call of the House.

Call sustained.

Absentees—Messrs. Board, Evans of Titus, Glenn, Horne, Mills, Muckleroy, Ruby and Vaughan.

Mr. Smith of Marion moved a suspension of the call of the House.

Lost.

Under the rule Messrs. Evans of Titus, Glenn, Mills and Vaughan each had their per diem deducted from their pay roll.

Absentees reported.

[Mr. Evans, of McLennan, in the chair.]

Mr. Lindsay offered the following amendment:

Strike out that portion of the declaration fixing a day to take a recess, and leave the residue thereof intact.

The question recurred upon the adoption of the amendment.

Mr. Flanagan moved to lay the whole question upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bell, Board, Boyd, Buffington, Carter, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Kealy, Kendal, McCormick, Mills, Morse, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Watrous, Wilson of Brazoria—34.

Nays—Messrs. President, Armstrong, of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Brown, Bryant of Grayson, Butler, Burnett, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Goddin, Grigsby, Hunt, Jordan, Keigwin, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Munroe, Newcomb, Oaks, Patten, Posey, Rogers, Ruby, Scott, Sumner, Talbot, Thomas, Vaughan, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—43.

So the Convention refused to lay upon the table.

Mr. Armstrong, of Lamar, moved a suspension of the call.

Mr. Hamilton, of Travis, moved the indefinite postponement of the subject.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bell, Board, Boyd, Buffington, Carter, Cole, Constant, Evans of Titus, Flanagan, Flanagan W., Fleming, Foster, Gaston, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Kealy, McCormick, Mills, Morse, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Galveston, Stockbridge, Varnell, Wilson of Brazoria, Wright—32.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bellinger, Bledsoe, Brown, Bryant of Grayson, Butler, Burnett, Curtis, Degener, Downing, Evans of McLennan, Fayle, Goddin, Grigsby, Hunt, Jordan, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Munroe, Newcomb, Oaks, Patten, Posey, Rogers, Ruby, Scott, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—43.

So the Convention refused to postpone indefinitely.

The question again recurring upon the adoption of the amendment, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Lindsay, McCormick, McWashington, Mills, Mundine, Munroe, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wright—55.

Nays—Messrs. Armstrong of Lamar, Armstrong of Jasper, Boyd, Evans of McLennan, Fayle, Gaston, Glenn, Goddin, Hunt, Keigwin, Kuechler, Lippard, Mackey, Morse, Muckleroy, Newcomb, Patten, Smith of Galveston, Sumner, Whitmore, Wilson of Milam, Yarborough—23.

So the amendment was adopted.

Mr. Flanagan moved the resolution be laid upon the table.

Carried.

The president having announced the decision upon the vote to lay upon the table, decided that Mr. Hamilton could not call for the yeas and nays upon the question after such announcement.

Mr. Evans, of Titus, appealed from the decision of the chair, and upon the question "shall the decision of the chair stand as the division of the House," the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant of Grayson, Butler, Burnett, Curtis, Degener, Downing, Evans of McLennan, Fayle, Goddin, Grigsby, Hunt, Jordan, Kendal, Keuchler, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Whitmore, Wilson of Milam—46.

Nays—Messrs. Board, Boyd, Buffington, Carter, Cole, Constant, Evans of Titus, Flanagan, Fleming, Foster, Gaston, Glenn, Hamilton of Travis, Harris, Johnson of Calhoun, Kealy, Keigwin, McCormick, Mills, Morse, Mundine, Pedigo, Phillips of Wharton, Slaughter, Stockbridge, Varnell, Wilson of Brazoria, Wright—28.

So the decision of the chair was sustained.

Mr. Patten moved for the previous question upon the passage of the resolution.

Previous question seconded.

Mr. Buffington moved a call of the House.

Call sustained.

Absentees—Messrs. W. Flanagan and Horne.

Mr. Patten moved a suspension of the call of the House; upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Brown, Bryant of Grayson, Butler, Burnett, Carter, Constant, Curtis, Downing, Evans of McLennan, Fayle, Fleming, Foster, Goddin, Grigsby, Hunt, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Munroe, McWashington, Newcomb, Oaks, Patten, Phillips of San Augustine, Posey, Rogers, Ruby Slaughter, Smith of Marion, Smith of Galveston, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—50.

Nays—Messrs. Armstrong of Lamar, Bell, Board, Boyd, Bellinger, Buffington, Cole, Degener, Evans of Titus, Flanagan, Gaston, Glenn, Hamilton of Travis, Harris, Johnson of Calhoun, Keigwin, Mills, Morse, Mundine, Pedigo, Phillips of Wharton, Schuetze, Scott, Stockbridge, Varnell, Wilson of Brazoria—26.

So the call was suspended.

The sergeant-at-arms reported Messrs. W. Flanagan and Horne as having left town. Under the rule their per diem pay was deducted from pay roll.

Mr. Mills moved to adjourn until to-morrow morning at 9 o'clock.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Brown, Boyd, Buffington, Carter, Cole, Evans of Titus, Flanagan, Foster, Gaston, Glenn, Goldin, Grigsby, Hamilton of Travis, Harris, Johnson of Calhoun, Jordan, Keigwin, Lindsay, McCormick, Mackey, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of Wharton, Posey, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—45.

Nays—Messrs. President, Bellinger, Bledsoe, Bryant of Grayson, Butler, Burnett, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Fleming, Hunt, Kealy, Keuchler, Leib, Lippard, Newcomb, Oaks, Patten, Phillips, of San Augustine, Rogers, Ruby, Scott, Slaughter, Sumner, Thomas, Whitmore, Yarborough—31

So the Convention refused to adjourn.

Mr. Hamilton, of Travis, moved a call of the House.

Call sustained.

Mr. Armstrong, of Lamar, moved the Convention adjourn until to-morrow morning at 9 o'clock.

Carried.

CAPITOL, AUSTIN, TEXAS,
AUGUST 7TH, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Evans, of McLennan, asked leave of absence for Mr. Patten until Tuesday.

Leave granted.

Mr. Armstrong, of Lamar, asked leave of absence for Mr. Brown.

Leave granted.

Mr. Bell asked leave of absence for Mr. Pedigo.

Leave granted.

Mr. Lindsay made the following report from the Special Committee appointed to inquire into the conduct of Messrs. Long and Johnson:

COMMITTEE ROOM,
August 7, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Special Committee appointed by you, under an order of the Convention, to investigate the conduct of two of its members, Messrs. Johnson and Long, upon a charge of having violated the rules of decorum, prescribed for the government of this body, during its session, have performed that duty, and now beg leave to submit the following report:

From the evidence, which they were enabled to procure, it appears that the occurrence took place entirely without the precincts of the Convention; and, however reprehensible their conduct may have been—about which the committee thinks it would be improper for them, under the circumstances, to express an opinion—it is not subject to the jurisdiction of this body. If the difficulty had taken place in the midst of the members, during the session of the Convention, or in the lobby of the House, then, by the rules adopted for the government of this body, as well as by general parliamentary law, the parties would have been justly subject to its censure, and might be dealt with by reprimand or expulsion; but, as it took place without the precincts of the House, if the parties are amenable to any tribunal, it is to the civil authority of the country; and they cannot be dealt with by parliamentary law upon the facts ascertained by our investigation.

Whether the parties are amenable to the civil law upon the facts, the committee deems it improper for them to express an opinion, as such an intimation might prejudice the rights of the parties in an investigation before the civil tribunals of the country.

They may be permitted, however, to say that, according to the principles of parliamentary law, there are certain privileges guaranteed to the members of all deliberative bodies, which shield and protect them against arrest by the civil authorities of the government, while in session. No member of a deliberative body can be arrested during the continuance and term of its sessions, except for treason, felony, breach of the peace, or in a case in which sureties of the peace may be demanded, of one or both of the parties, for threatened aggressions. In all other cases, the members of deliberative bodies are privileged from arrest, while the body, of which they are members, is in session.

In this case no treason nor felony has been committed. And, as nothing occurred within the precincts and jurisdiction of the House, calling for its action, or animadversion, it would be improper for this committee to intimate whether a breach of the peace was committed or not; as that might become a subject of judicial inquiry by the civil tribunals of the country.

Upon examination of the parties themselves involved in the investigation, the committee is satisfied the difficulty is at an end between them, and no precautionary measure is necessary to prevent a collision, and they therefore recommend their discharge from the custody of the sergeant-at-arms, and their restoration to their privileges in the House. They ask that the committee be now discharged. All of which is respectfully submitted.

L. LINDSAY.
B. F. WILLIAMS.
JAMES P. BUTLER.

Upon motion, the report was adopted.

Mr. Burnett moved that the members be discharged upon the payment of fees.

Carried.

Mr. McCormick, from the Committee on Contingent Expenses, made the following report:

COMMITTEE ROOM,
August 1, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Contingent Expenses, to which was referred the resolution offered by Mr. Long, in reference to the pay of Fred. Slaughter, carrier of the mail, etc., have had the same under consideration. They find that Fred. Slaughter was employed by the postmaster of the Convention, on his own account, and on his charge, at the rate of one dollar per day, in specie. For reasons not proper to state in this report, said postmaster is unable to pay Fred. Slaughter, according to his contract; and said postmaster has expressed to us his willingness, and his desire, that the Convention should pay Fred. Slaughter one dollar and fifty cents per day, which is equal, very nearly, to the one dollar specie, promised him by said postmaster, and that the same be deducted out of the pay allowed said postmaster, and that the secretary issue his certificate, according to the accompanying resolution herewith reported.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary of the Convention be, and he is hereby authorized and required to issue to Fred. Slaughter, the carrier of the mails to and from the Convention, a certificate for one dollar and fifty cents for each day which the said Fred. Slaughter has been so employed, and that the amount so certified in favor of said Slaughter, shall be deducted out of the amount of the per diem pay due by a previous resolution of the Convention to the postmaster of the Convention.

Mr. Ruby moved a suspension of the rules to take up the report.

Rules suspended.

Resolution read and adopted.

Mr. Smith, of Galveston, moved a suspension of rules to put resolution upon its passage.

Rules suspended.

Resolution read a third time and passed.

Mr. Munroe asked a suspension of the rules to take up the report of the Committee on Contingent Expenses, respecting the journalizing of the minutes of the Convention.

Mr. Burnett offered the following substitute to the report:

Resolved, That the Secretary is hereby directed to issue to Mr. John C. Morris a certificate for pay for his services rendered and to be rendered, in inscribing in a bound volume the journals of this Convention, at the rate of eight dollars per day; provided, that said Morris shall receive pay only for the time of the sitting of this Convention.

Resolved, That the Secretary is hereby directed to supervise said record, and see that the same is correctly and properly made.

Mr. Sumner moved to lay the substitute upon the table.

Convention refused to lay the substitute upon the table.

Mr. Munroe moved the adoption of the substitute.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bledsoe, Board, Boyd, Bryant of Grayson, Butler, Burnett, Carter, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Goddin, Harris, Hunt, Johnson of Harrison, Keigwin, Keuchler, Lippard, Mills, Munroe, Newcomb, Phillips of Wharton, Slaughter, Vaughan, Whitmore, Wilson of Milam—27.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bryant of Harris, Buffington, Cole, Curtis, Fleming, Foster, Gaston, Grigsby, Hamilton of Travis, Jordan, Kealy, Kendal, Leib, Long, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Phillips of San Augustine, Posey, Rogers, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wright, Yarborough—39.

So the Convention refused to adopt the substitute.

Mr. McCormick moved the previous question upon the adoption of the resolution.

Previous question seconded.

The question recurred, "shall the main question be now put!"

The main question was ordered.

The question recurred, "shall the resolution be adopted?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Harris, Buffington, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Fleming, Foster, Grigsby, Hunt, Jordan, Kealy, Kendal, Kuechler, Leib, Lippard, McCormick, McWashington, Morse, Mundine, Oaks, Phillips of San Augustine, Posey, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—41.

Nays—Messrs. President, Armstrong of Jasper, Board, Boyd, Bryant of Grayson, Butler, Burnett, Carter, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Goddin, Harris, Johnson of Calhoun, Keigwin, Long, Mackey, Mills, Muckleroy, Munroe, Newcomb, Phillips, of Wharton, Rogers, Schuetze, Slaughter, Whitmore, Wilson of Milam, Yarborough—30.

So the resolution was adopted.

Mr. McCormick moved a suspension of the rules to put resolution upon its final passage.

Rules suspended, and the resolution was adopted.

The President announced the business next in order was the special order of the day, which is the consideration of the vote by which the substitute offered by Mr. Evans, of McLennan, to the report of the Committee on Internal Improvements, was laid upon the table.

Mr. Degener moved that a special committee of seven be appointed, to which the entire subject may be referred.

Mr. Thomas made the following point of order:

The first duty of the Convention, under the Reconstruction Acts, is the formation of a constitution, and until a constitution shall have been framed, all other business is out of order.

The President decided that the point of order was not in accordance with the rules governing the Convention.

Mr. Thomas appealed from the decision of the chair.

Upon the question being put "shall the decision of the chair stand as the decision of the House?" the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Butler, Carter, Cole, Constant, Degener, Downing, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Long, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—61.

Nays—Messrs. Bledsoe, Bryant of Grayson, Burnett, Fayle, Newcomb, Oaks, Posey, Scott, Thomas, Wilson of Milam—10.

So the decision of the Chair was sustained.

Mr. Degener offered the following resolution:

Resolved, That a committee of seven be appointed, and all matter appertaining to the sale of railroads be referred to the same, the chairmen of the committees on finance, internal improvements and education to be members of said committee.

The question recurred upon the adoption of the resolution.

It was adopted.

The President announced the following members as composing said committee:

Messrs. Hamilton of Travis, Lindsay, Whitmore, Talbot, Flanagan, Evans of McLennan, and Degener chairman.

Mr. Buffington moved to take up the unfinished business on the President's table.

Carried.

Mr. Buffington moved to take the report of the Committee on General Provisions.

Carried.

Mr. Jordan, by leave, withdrew his amendment to the amendment offered by Mr. Hamilton of Travis to section fifteen of the substitute to section three.

Mr. Evans of McLennan moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Harris, Buffington, Butler, Burnett, Cole, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Goddin, Harris, Hunt, Johnson of Harrison, Kendal, Kuechler, McCormick, Morse, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Phillips of San Augustine, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam—46.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Bryant of Grayson, Carter, Evans of Titus, Foster, Gaston, Grigsby, Hamilton of Travis, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, Mills, Phillips of Wharton, Rogers, Ruby, Smith of Marion, Williams, Wright—25.

So the amendment was laid upon the table.

On motion, section fifteen was adopted.

On motion, section sixteen was adopted.

Mr. Constant offered the following amendment to section seventeen:

Insert at the end of the section, "Except in such cases as are specified in section ten of this article."

Mr. Wright moved to lay the amendment upon the table.

Carried.

Upon motion, section seventeen was adopted.

On motion, brackets in section eighteen were stricken out.

Upon motion, section eighteen was adopted.

Upon motion, section nineteen was adopted.

Mr. Evans of McLennan offered the following amendment:

Amend by striking out section twenty.

Mr. Flanagan moved the previous question upon the adoption of section twenty.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Main question ordered.

The question recurring upon the adoption of section twenty, it was adopted.

Mr. Degener moved that the consideration of section twenty-one be postponed.

Carried.

Mr. Davis offered the following substitute to section four of the original report:

Provided, that the managers or proprietors of public conveyances, places of business, or of public resort, herein mentioned, shall have the authority to prescribe such rules and regulations as will secure the comfort of guests or travelers, and good order and decency.

Mr. Lindsay offered the following substitute:

The equality of all persons before the law is herein recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor be exempted from any burden or duty, on account of race, color or previous condition.

Mr. Thomas moved to lay section four and the substitute upon the table.

Motion withdrawn.

Motion withdrawn at request of Mr. Evans, of McLennan, who by understanding with Mr. Thomas again moved to lay the section and the amendment and substitute upon the table.

Mr. Smith of Marion moved a call of the house.

Call sustained.

Upon motion, the Convention adjourned until four o'clock this afternoon.

AFTERNOON SESSION.—FOUR O'CLOCK.

Roll called. Quorum present.

Mr. Board called up the report of the Judiciary Committee upon Paschal's Digest of the Laws of Texas, with accompanying resolution:

Resolved, That the Governor be instructed to contract with George W. Paschal for the delivery of thirty-five hundred copies of "Paschal's Annotated Digest of the Laws of Texas," in the city of Austin, at the proposed price of nine dollars per volume, the books to be printed and bound in the same style of the first edition.

To ensure the early delivery of the work, it shall be the duty of the Governor, as soon as the said George W. Paschal shall execute to the State his bond, with securities to be approved by the Governor, in the sum of forty thousand dollars, for the delivery of said number of the digests in the city of Austin within four months from the date of said bond, to draw upon the Treasurer of the State for twenty thousand dollars of said money, and to draw for the balance as soon as the books shall be delivered to the Secretary of State.

The sum of thirty-one thousand five hnndred dollars be, and the same is hereby, appropriated to carry into effect this ordinance.

The question recurred upon the second reading of the resolution.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Board, Evans of Titus, Flanagan, Fleming, Goddin, Horne, Johnson of Harrison, McCormick, Mundine, Scott, Stockbridge, Wilson of Brazoria—14.

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Cole, Curtis, Degener, Downing, Evans of McLennan, Fayle, Foster, Gaston, Grigsby, Harn, Harris, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lippard, Long, Mackey, McWashington, Morse, Muckleroy, Munroe, Newcomb, Oaks, Phillips of San Augustine, Rogers, Smith of Marion, Sumner, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—50.

So the Convention refused to adopt.

Mr. Boyd called up the report of the Committee on Internal Improvements, with accompanying declaration, respecting the Mexican Gulf Railroad Company.

Mr. Degener moved the declaration be laid upon the table, upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bledsoe, Board, Butler, Degener, Downing, Grigsby, Hunt, Kuechler, Leib, Lippard, Newcomb, Oaks, Rogers, Ruby, Smith of Marion, Thomas, Whitmore, Williams—19.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Boyd, Bryant of Harris, Buffington, Carter, Cole, Evans, of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Schuetze, Scott, Smith of Galveston, Stockbridge, Sumner, Talbot, Varnell, Watrous, Wilson of Brazoria, Wilson, of Milam, Wright, Yarborough—48.

So the Convention refused to lay upon the table.

Mr. Varnell moved the adoption of the declaration.

Mr. Newcomb moved a call of the House.

Call sustained.

On motion, Mr. Slaughter was excused.

Mr. Boyd asked leave of absence for Mr. Glenn.

Leave granted.

Absentee—Hamilton, of Travis.

Mr. Posey moved a suspension of the call of the House.

Carried.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Johnson, of Calhoun, moved a suspension of rules to put declaration upon its final passage, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Burnett, Buffington, Carter, Cole, Constant, Curtis, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Harris, Horne, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Leib, McCormick, Mackey, McWashington, Mills, Morse, Muckleroy, Mundine. Munroe, Phillips of San Augustine, Phillips of Wharton, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—51.

Nays—Messrs. President, Bledsoe, Bryant of Grayson, Butler, Downing, Degener, Evans of McLennan, Grigsby, Kendal, Kuechler, Lippard, Long, Newcomb, Oaks, Rogers, Ruby, Smith of Marion, Sumner, Thomas, Whitmore, Williams—21.

Four-fifths not voting in the affirmative, the Convention refused to suspend the rules.

Mr. Bryant, of Grayson, called up the unfinished business of this morning, which was the report of the Committee on General Provisions.

The question being upon the adoption of the amendment offered by Mr. Lindsay, to the 4th section of the report.

Mr. Burnett moved that the amendment of Mr. Davis, and the substitute of Mr. Lindsay, to section 4, be laid upon the table, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Harris, Horne, Harn, Johnson of Calhoun, Kealy, Keigwin, Mills, Morse, Muckleroy, Mundine, Phillips of San Augustine, Posey, Rogers, Thomas, Varnell, Wright, Yarborough—32.

Nays—Messrs. President, Bell, Bellinger, Bryant of Harris, Butler, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Leib, Lindsay, Long, Mackey, McCormick, Munroe, Newcomb, Oaks, Phillips of Wharton, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—42.

So the Convention refused to lay upon the table.

The question recurred upon the adoption of the substitute.

Mr. Newcomb moved the previous question, upon the adoption of section 4.

Previous question not seconded.

Mr. Hunt moved the previous question.

Previous question seconded.

Mr. Flanagan moved a call of the House.

Call sustained.

Absentees—Hamilton, of Travis, Mackey.

Mr. Butler moved a suspension of the call of the House.

Call suspended.

The question recurred, "Shall the main question be now put?" upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Harris, Butler, Curtis, Degener, Downing, Foster, Hunt, Johnson of Calhoun, Jordan, Johnson of Harrison, Kendal, Kuechler, Leib, Long, McCormick, McWashington, Newcomb, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Varnell, Watrous, Williams, Wilson of Milam, Wright—29.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Constant, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Goddin, Grigsby, Harris, Harn, Horne, Kealy, Keigwin, Lindsay, Mills, Morse, Muckleroy, Mundine, Munroe, Oaks, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Slaughter, Stockbridge, Talbot, Thomas, Vaughan, Whitmore, Wilson of Brazoria, Yarborough—46.

So the Convention refused to order the main question.

Mr. Butler moved the adoption of the substitute offered by Mr. Lindsay.

Mr. Slaughter moved a call of the House.

Call sustained.

Mr. Flanagan moved to adjourn until to-morrow morning at nine o'clock.

Lost.

Absentee—Mr. Hamilton of Travis.

Mr. Hamilton, of Travis, upon motion, was excused.

Mr. Smith, of Marion, moved to adjourn until to-morrow morning at 9 o'clock, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Buffington, Carter, Cole, Evans of Titus, W. Flanagan, Gaston, Grigsby, Harris, Harn, Keigwin, McCormick, Mills, Morse, Muckleroy, Phillips of San Augustine, Posey, Rogers, Schuetze, Slaughter, Smith of Marion, Vaughan, Whitmore, Wilson of Brazoria, Wright, Yarborough—30.

Nays—Messrs. President, Bell, Bellinger, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Flanagan, Fleming, Foster, Goddin, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Munroe, Newcomb, Oaks, Phillips, of Wharton, Ruby, Scott, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Milam—47.

So the House refused to adjourn.

The question being upon the substitute, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Butler, Burnett, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Oaks, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers. Ruby, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—59.

Nays—Messrs. Bryant of Grayson, Cole, W. Flanagan, Fleming, Gaston, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Morse, Newcomb, Schuetze, Slaughter, Thomas, Varnell, Vaughan, Yarborough—17.

So the substitute was adopted.

Mr. Armstrong of Jasper moved to adjourn until to-morrow morning, at nine o'clock.

Lost.

Mr. Mills moved to lay the substitute upon the table.

Mr. Sumner moved to adjourn till to-morrow morning, at nine o'clock.

Carried.

CAPITOL, AUSTIN, TEXAS,
August 8, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Fayle, from the Committee on Enrolled Bills, made the following report:

Hon. E. J. DAVIS,
President of the Convention:

The Enrolling Committee have had the following resolutions (No. 31 to No. 37, inclusive,) under examination, and find them to be correctly enrolled.

No. 31. Resolution ordering one thousand copies of the Austin Daily Republican, at eight cents per number; and five hundred copies of the San Antonio Free Press, at seven cents per number, and discontinuing other papers.

No. 32. Resolution requesting the arrest of one C. C. Gillespie, editor of Houston Telegraph, for advising the assassination of Morgan C. Hamilton and C. C. Caldwell.

No. 33. Resolution providing for the appointment of a committee to proceed to Millican, for the purpose of investigating the recent disturbance, and appropriating $500 for expenses of said committee.

No. 34. Resolution appropriating $500 for the arrest of the attempted assassin of Judge Cooley.

No. 35. Resolution appropriating $500 to pay telegrams.

No. 36. Resolution requesting the Congress of the United States to appoint a committee to inquire into the condition of the State.

No. 37. Resolution requesting Brevet Major-General J. J. Reynolds to appoint one or more commissioned officers to participate in the investigation of the Millican disturbance.

Respectfully,
WM. R. FAYLE,
Chairman of the Enrolling Committee.

Report adopted.

Mr. Pedigo, from Committee on Counties and County Boundaries, made the following report and declaration:

COMMITTEE ROOM,
Austin, August 6, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Your Committee on Counties and County Boundaries, to whom was referred petitions from the citizens of the counties of Comal and Guadalupe, presented by Mr. Hunt of Comal, asking that the boundary line between these counties be so changed as to include a portion of the county of Guadalupe within the limits of said county of Comal, have had the same under consideration, and beg leave to report as follows:

First. We find that the southwest boundary line of the county of Comal passes through a German settlement who have a common interest in being associated under one municipal government or county organization, and that all their social and commercial relations are identical.

Second. We also find that New Braunfels, the county site of Comal county, is situated but little over one mile from the boundary line that separates said counties, and that the northern and western portion of Comal is mountainous and sparsely settled.

For these and other reasons your committee are of opinion that the public interest would be enhanced if the request of petitioners should be granted, and, to this effect, report to the Convention, through you, the accompanying declaration, and ask its passage.

H. C. PEDIGO,
Chairman.

DECLARATION

Changing the boundary lines of Comal county.

SECTION 1. *Be it declared by the people of Texas in Convention assembled*, That the portion of the county of Guadalupe contiguous to the county of Comal, and bounded by the following lines, to-wit:

Beginning at the south corner of the county of Comal, on the Cibolo river, thence following the meanders of said river down the same to the lower corner of the F. Rodrequez survey No. 84; thence north sixty degrees east eight miles to a post, thence in a straight line to the southeast corner of the county of Comal, shall be attached to the county of Comal and constitute a part thereof, and be known hereafter as a part of said county.

SEC. 2. That this declaration shall take effect from and after its passage.

Mr. Hunt, from the Committee on State Affairs, reported as follows:

COMMITTEE ROOM,
Austin, August 7, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on State Affairs, to whom was referred a declaration offered by Hon. Mr. Kealy, of Denton county, making it the duty of each county of the State to make suitable provision for the support of paupers, have had the same under consideration, and are in favor of the passage of such laws as will insure the accomplishment of this object.

To this end your committee report the accompanying substitute in lieu of the original declaration, and ask its adoption by the Convention:

H. C. HUNT,
Chairman.

DECLARATION.

For the support of paupers.

SECTION 1. It shall be the duty of the Legislature to pass laws requiring the police courts of each county in the State to provide for the support of paupers, by the purchase of lands and erection of suitable buildings, or otherwise.

SEC. 2. The Legislature shall pass laws organizing and regulating the government of institutions for the support of paupers.

Mr. Flanagan offered the following petition and declaration, and asked its reference to the Committee on State Affairs.

PALESTINE, TEXAS,
July 28, 1868.

To the President and Representatives of the State Convention:

GENTLEMEN: We, the undersigned Commissioners of Anderson county would very respectfully request that your honorable body would confer the very great relief upon Anderson county, to relinquish the State tax that is due from Anderson county for the present year, for the purpose of aiding the said county in building the jail house. The county is unable to build a jail with the extent of the tax that the court would be justified in levying.

All of which is respectfully submitted, etc.

HENRY FIELDS,
E. ANDREWS,
W. T. SMITH,
T. C. HOOKER.

DECLARATION.

SECTION 1. *Be it declared*, That the State tax due from the county of Anderson, be remitted to said county, for the purpose of building a jail.

SEC. 2. And that this declaration take effect from and after its passage.

It was so referred.

Mr. Bryant, of Grayson, introduced the following resolution:

Resolved, That a committee of three be appointed to investigate the circumstances of the murder of Captain Martin D. Hart, of Hunt county, during the rebellion, and report the same to this Convention, with suitable resolutions.

Mr. Bryant asked suspension of rules to consider the resolution.

Rules suspended.

Resolution adopted.

The President announced the said committee to be, Bryant, of Grayson, Burnett, and Horne.

Mr. Burnett gave notice that, at an early day, he would move to reconsider the vote by which the report of the Judiciary upon Paschal's Digest was rejected.

The President announced the business in order to be the report of Committee on General Provisions, the question being, on laying upon the table the substitute offered by Mr. Lindsay to section four.

Mr. Buffington moved a call of the House.

Call sustained.

Mr. Mundine was excused on account of sickness.

Mr. Webster Flanagan was excused on account of sickness.

Absentees—Messrs. Glenn, Horne, Newcomb, Phillips of Wharton, aand Slaughter.

Mr. Butler moved a suspension of the call.

Lost.

Reported—Phillips of Wharton.

Messrs. Horne, Newcomb, and Slaughter being absent twenty minutes after the call of the House, under the rules, their per diem of the day was deducted from the pay roll.

Mr. Ruby moved that the call of the House be suspended.

Call suspended.

The question being upon laying the substitute of Mr. Lindsay upon the table.

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Bledsoe, Board, Boyd, Bryant of Grayson, Carter, Cole, Evans of Titus, Fayle, Flanagan, Fleming, Gaston, Glenn, Harris, Harn, Johnson of Calhoun, Kealy, Keigwin, Mills, Morse, Muckleroy, Pedigo, Phillips of San Augustine, Thomas, Varnell, Vaughan—26.

Nays—Messrs. President, Armstrong, of Lamar, Bell, Bellinger, Bryant of Harris, Buffington, Butler, Burnett, Constant, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Grigsby, Hamilton of Travis, Horne, Johnson of Harrison, Jordan, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Munroe, Newcomb, Oaks, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—50.

So the Convention refused to lay the substitute upon the table.

The question recurred, "shall the main question be now put?"

The main question was ordered.

The question recurred, shall the substitute be adopted as section four of the report.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Harris, Buffington, Butler, Burnett, Constant, Curtis, Degener, Downing, Evans, of McLennan, Fayle, Foster, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Munroe, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright.—53.

Nays—Messrs. Armstrong, of Jasper, Boyd, Bryant of Grayson, Carter, Cole, Evans of Titus, Flanagan, Fleming, Gaston, Glenn, Harris, Harn, Johnson of Calhoun, Kealy, Keigwin, Morse, Muckleroy, Phillips of San Augustine, Thomas, Varnell, Vaughan, Yarborough—22.

So the substitute was adopted as section four.

Mr. Davis offered the following amendment to section five:

In place of word "inferior," in first line, insert "other."

Amendment adopted.

Mr. Hamilton, of Travis, by request, offered the following amendment:

"And neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever exist in this State."

Mr. Constant moved to lay the section as amended upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Boyd, Cole, Constant, Evans of Titus, Gaston, Glenn, Harris, Keigwin, Morse—10.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Leib, Lindsay, Long, McCormick, McWashington, Muckleroy, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—61.

So the Convention refused to lay the section as amended upon the table.

Mr. Butler moved to strike out the word "other."

Lost.

Mr. Sumner moved to substitute the word "any" instead of "other," in the first line of section five.

Lost.

Mr. Hamilton moved to strike out "other races of men," and insert "persons."

Carried.

The question recurred upon the adoption of section five as amended.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Constant, Curtis, Degener, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Mills, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—61.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Cole, Evans of Titus, Gaston, Harris, Keigwin, Morse, Muckleroy—10.

So section five was adopted.

Mr. Sumner asked to be excused from attendance upon the House.

Leave granted.

On motion section six was stricken out.

Mr. Smith, of —, moved that all sections from section seven to section twelve, inclusive, be stricken out.

Carried.

Mr. Evans, of McLennan, moved a reconsideration of the vote adopting section sixteen of the substitute to section three, adopted yesterday.

Lost.

Mr. Schuetze offered the following amendment:

"And no law shall be passed which may forbid the sale of any article of merchandize on any day of the week."

Mr. Horne moved to lay the amendment upon the table.

Withdrawn.

On motion the Convention adjourned until Monday morning, at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
August 10, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Kuechler presented a petition from citizens of Fredericksburg asking the incorporation of that town as a city, and asked its reference to the Committee on State Affairs.

It was so referred.

Mr. Smith, of Galveston, moved a suspension of rules to allow him to present a protest against the minority report of the Committee on Lawlessness and Violence.

Lost.

Mr. Flanagan, from the Committee on Internal Improvements, made the following reports:

COMMITTEE ROOM,
Austin, August 10, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Internal Improvements have had before them a declaration to incorporate the Houston City Railroad Company, presented by Mr. Fayle, and after a careful investigation, I am instructed to report back the same, and to recommend its adoption.

All of which is respectfully submitted,
J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

COMMITTEE ROOM,
Austin, Texas, August 10, 1868.

Hon. E. J. DAVIS,
President of Convention:

SIR: Your committee have had before them a declaration for the incorporation of a railway company in the city of Houston presented by Mr. Fayle, and after giving said declaration due consideration, the committee have instructed me to report the same back, and to recommend its passage.

All of which is respectfully submitted,
J. W. FLANAGAN,
Chairman of the Committee on Internal Improvements.

Mr. Johnson, of Calhoun, asked leave of absence for Mr. Varnell.

Leave granted.

Mr. Phillips, of Wharton, offered the following resolution:

Resolved, That the following be inserted in the Constitution as one of the general provisions:

The Legislature, at its first session after the adoption of this Constitution, shall provide by law some adequate means by which the holders of matured obligations for the payment of money, exempted by the proper authorities of any county, city, or incorporated town, in this State, may be enabled to enforce the payment of such obligations.

Provided, That no debt created for the purpose of aiding the late rebellion shall ever be paid.

On motion, the resolution was referred to the Committee on General Provisions.

Mr. Armstrong, of Lamar, moved a suspension of the rules to take up the report of Committee on Finance upon the resolution of Mr. Scott, in reference to the police courts of Lamar county.

Motion withdrawn.

The President announced the business in order was the report of the Committee on General Provisions, and upon the amendment offered by Mr. Schuetze to the thirteenth section.

Mr. Bryant, of Grayson, moved to lay the amendment upon the table.

Upon which the yeas and nays were called, and resulted thus:

Yeas—Messrs. Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Constant, Curtis, Downing, Fayle, Flanagan, Foster, Gaston, Grigsby, Harn, Jordan, Kealy, Keigwin, Kendal, Leib, McCormick, McWashington, MucklerOy, Phillips of [illegible] Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—39.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Carter, Cole, Degener, Evans of McLennan, Evans of Titus, W. Flanagan, Glenn, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Lippard, Mackey, Morse, Mundine, Newcomb, Pedigo, Posey, Ruby, Slaughter, Stockbridge, Vaughan, Wilson of Milam—28.

So the amendment was laid upon the table.

Mr. Schuetze moved a reconsideration of the vote laying the amendment upon the table.

Mr. Sumner moved to lay the motion upon the table.

Mr. Schuetze moved a call of the House.

Call sustained.

Mr. Fleming asked to be excused from attendance upon the House.

Leave granted.

Mr. Smith, of Marion, asked leave of absence for Mr. Long.

Leave not granted.

Mr. Degener moved that the call of the House be suspended.

Carried.

Upon the motion to lay the motion to reconsider upon the table, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Bellinger, Burnett, Constant, Curtis, Evans of Titus, Fayle, Flanagan, Foster, Gaston, Grigsby, Harn, Keigwin, Kealy, Kendal, Leib, McCormick, Mills, Muckleroy, Phillips, of San Augustine, Phillips of Wharton, Rogers, Scott, Smith of Galveston, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—37.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Caldwell, Carter, Cole, Degener, Downing, Evans of McLennan, W. Flanagan, Glenn, Goddin, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Keuchler, Lindsay, Lippard, Long, Mackey, McWashington, Morse, Mundine, Munroe, Newcomb, Oaks, Pedigo, Posey, Ruby, Schuetze, Slaughter, Stockbridge, Vaughan, Wilson of Milam—40.

So the Convention refused to lay the motion to reconsider upon the table.

The question recurred upon the motion to reconsider the vote laying the amendment of Mr. Schuetze to section 13 upon the table.

Mr. Schuetze moved a call of the House.

Call sustained.

Absentees—Pedigo and Scott.

Mr. Pedigo moved a suspension of the call.

Upon the motion to reconsider, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Board, Butler, Caldwell, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, W. Flanagan, Fleming, Glenn, Goddin, Hamilton of Travis, Horne, Hunt, Johnson of Harrison, Johnson, of Calhoun, Jordan, Kuechler, Lippard, Long, Mackey, Morse, Mundine, Newcomb, Oaks, Posey, Ruby, Schuetze, Slaughter, Stockbridge, Vaughan, Wilson of Milam--37.

Nays—Messrs. Armstrong of Lamar, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Constant, Curtis, Fayle, Flanagan, Foster, Gaston, Grigsby, Harris, Harn, Kealy, Keigwin, Kendal, Leib, Lindsay, McCormick, McWashington, Mills, Muckleroy, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Smith of Galveston, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—40.

So the Convention refused to reconsider.

Mr. Schuetze offered the following amendment to section 13:

After the word "choose" insert "or the right to purchase refreshments or medicine;" and after the word "nor" insert "such purchases (or sales.)"

Mr. Flanagan moved to lay the section and amendment upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Cole, Constant, Curtis, Fayle, Flanagan, Foster, Gaston, Grigsby, Harris, Harn, Johnson of Harrison, Kealy, Keigwin, Kendal, Leib, McCormick, McWashington, Morse, Muckleroy, Phillips of San Augustine, Rogers, Scott, Smith of Marion, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria, Wright, Yarborough—39.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Butler, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, W. Flanagan, Fleming, Glenn, Goddin, Hamilton of Travis, Horne, Hunt, Johnson of Calhoun, Jordan, Kuechler, Lindsay, Lippard, Long, Mackey, Mills, Mundine, Munroe, Newcomb, Oaks, Phillips of Wharton, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Vaughan, Whitmore, Wilson of Milam—40.

So the Convention refused to lay the section and amendment on the table.

Mr. Schuetze moved the adoption of the amendment.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Butler, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, W. Flanagan, Fleming. Glenn, Goddin, Hamilton of Travis, Hunt, Johnson of Calhoun, Kuechler, Lindsay, Lippard, Long, Mackey, Morse, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Vaughan, Wilson of Milam—41.

Nays—Messrs. Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Constant, Curtis,, Fayle, Flanagan, Foster, Gaston, Grigsby, Harris, Horne, Harn, Jordan, Kealy, Keigwin, Kendal, Leib, McCormick, McWashington, Muckleroy, Phillips of San Augustine, Rogers, Scott, Sumner, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—35.

So the amendment was adopted.

Mr. Hamilton, of Travis, offered the following substitute:

The right of the citizens of this State to meet for recreation, social intercourse, or amusements, on any day of the week, shall not be prohibited; provided, however, that such right be allowed under such regulations as may be prescribed by law, looking to the security of the rights of persons, the public peace, and the inviolability of religious worship.

Mr. Degener moved a suspension of the rules to offer a resolution.

Upon which the yeas and nays were demanded.

Pending the vote the House adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION—4 O'CLOCK.

Roll called; quorum present.

Mr. Bryant, of Harris, called up the substitute offered to the report of the Committee on Internal Improvements, respecting the International Pacific Railroad Company.

Mr. Buffington moved a call of the House.

Call sustained.

Mr. Lieb asked leave of absence for Mr. Keuchler.

Leave granted.

Mr. Sumner moved that the use of the House of Representatives be tendered to the German citizens this evening.

Carried.

Mr. Wright moved that the call of the House be suspended.

Carried.

Mr. Smith, of Galveston, moved the indefinite postponement of the report.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Bryant of Grayson, Constant, Downing, Glenn, Grigsby, Hunt, Kendal, Lindsay, Lippard, Long, Mackey, Morse, Newcomb, Oaks, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Talbot, Thomas, Whitmore, Williams, Yarborough—27.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Curtis, Evans of Titus, Flanagan, W. Flanagan, Foster, Fleming, Gaston, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, McCormick, McWashington, Muckleroy, Munroe, Phillips of San Augustine, Phillips, of Wharton, Rogers, Scott, Slaughter, Stockbridge, Sumner, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—43.

So the Convention refused to postpone.

Mr. Hamilton, of Travis, moved the previous question upon the passage of the substitute.

Previous question seconded.

Mr. Smith, of Galveston, moved a call of the House.

Call sustained.

Absentee—Posey.

Mr. Burnett asked leave of absence for Mr. Pedigo on account of sickness.

Leave granted.

Mr. Evans, of McLennan, offered the following resolution:

Resolved, That this Convention take a recess and re-assemble on the second Monday in December, 1868.

Mr. Hamilton, of Travis, moved to lay the resolution upon the table.

The chair ruled the resolution out of order.

Mr. Evans appealed from the decision of the chair.

Mr. Smith, of Galveston, moved that the Convention adjourn until the second Monday in December.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Boyd, Degener, Evans of McLennan, Fayle, Gaston, Glenn, Lippard, Long, Morse, Newcomb, Oaks, Scott, Smith of Galveston, Whitmore, Yarborough—17.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harne, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Shuetze, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—60.

So the Convention refused to adjourn.

Mr. Smith, of Galveston, moved that the Convention adjourn until the first Monday in December.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Boyd, Degener, Evans of McLennan, Gaston, Lippard, Long, Morse, Newcomb, Oaks, Scott, Smith of Galveston, Watrous, Whitmore, Yarborough—16.

Nays—Messrs. President, Armstrong of Lamar, Bellinger, Bell, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Caldwell, Cole, Constant, Curtis, Downing, Evans of Titus, Fayle, Flanagan, Flanagan W., Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Hunt, Jordan, Johnson of Calhoun, Johnson of Harrison, Keigwin, Kendal, Kealy, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Munroe, Muckleroy, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Wilson of Milam, Wilson of Brazoria, Wright, Yarborough—60.

So the Convention refused to adjourn.

Mr. Hamilton, of Travis, offered the following resolution:

Resolved, That for two weeks from this date no resolution to adjourn, or to take a recess for a longer period than one day, will be entertained by this Convention.

Mr. Hamilton, of Travis, moved suspension of the rules, to put resolution upon its final passage.

Mr. Degener moved a call of the House.

Call sustained.

Mr. Hamilton asked leave to withdraw the resolution.

Upon granting leave the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Glenn, Goddin, Grigsby, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—62.

Nays—Messrs. Bellinger, Bledsoe, Board, Degener, Evans of McLennan, Gaston, Lippard, Long, Morse, Munroe, Newcomb, Oaks, Posey, Scott, Smith of Galveston—15.

So leave was granted.

The question recurring, "shall the main question be now put?"

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—62.

Nays—Messrs. President, Armstrong of Jasper, Degener, Glenn, Hunt, Lippard, Long, Morse, Newcomb, Oaks, Ruby, Scott, Smith of Marion, Talbot, Thomas—15.

So the main question was ordered.

The question recurred upon the passage of the declaration.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Mackey, McCormick, McWashington, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—53.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Burnett, Degener, Downing, Evans of McLennan, Fayle, Glenn, Hunt, Lindsay, Lippard, Long, Mills, Morse, Newcomb, Oaks, Posey, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Thomas, Whitmore, Yarborough—25.

So the declaration was adopted on final passage.

Mr. Hamilton, of Travis, moved to reconsider the vote upon the passage of the substitute, and move to lay the motion to reconsider upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lippard, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Scott, Slaughter, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—58.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Burnett, Gaston, Lindsay, Long, Morse, Newcomb, Oaks, Posey, Schuetze, Smith of Galveston, Smith of Marion, Thomas, Whitmore, Yarborough—18.

So the motion prevailed.

Mr. Buffington called up the declaration to incorporate the Houston City Railroad Company.

Mr. Degener moved the previous question upon the passage of the declaration.

Previous question seconded.

The question recurred, "shall the main question be now put?"

The main question was ordered.

The question recurred upon the passage of the declaration.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Board, Bryant of Harris, Buffington, Caldwell, Carter, Constant, Curtis, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, McWashington, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Stockbridge, Talbot, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—42.

Nays—Messrs. President, Armstrong of Jasper, Bellinger, Bledsoe, Boyd, Butler, Burnett, Degener, Downing, Evans of McLennan, Keigwin, Lindsay, Mackey, Morse, Newcomb, Oaks, Posey, Scott, Sumner, Thomas, Whitmore, Williams—22.

Mr. Fayle moved a suspension of the rules to put declaration upon its third reading.

Rules suspended.

Declaration read third time and passed.

Mr. McCormick asked leave of absence for Mr. Bryant, of Grayson.

Leave granted.

Mr. McCormick was granted leave of absence.

Mr. Butler called up the report of Committee on General Provisions.

The question being upon the substitute offered by Mr. Hamilton, of Travis, to section 13.

Mr. Schuetze moved to adjourn until to-morrow morning at 9 o'clock.

Withdrawn.

Leave given to Mr. Butler to withdraw his motion calling up the report of the Committee on General Provisions.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN. TEXAS,
August 11, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Whitmore, Chairman of the Committee on General Provisions, made the following report:

COMMITTEE ROOM,
August 9, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions, to whom was referred a declaration by Mr. Watrous, of Washington, have had the same under advisement, and instruct me to report back the same with a recommendation that it do not pass, as the substance therein contained has been fully reported and covered in a previous report of said committee.

G. W. WHITMORE,

COMMITTEE ROOM,
August 10, 1868.

To the Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions have had under consideration the following declarations, and after mature deliberation, instruct me to report them to the Convention as additional sections to the Constitution, under the head of General Provisions.

G. W. WHITMORE,
Chairman.

SECTION —. That the Legislature be instructed to pass laws protecting from forced sales the increase of live stock belonging to the wife's separate property, as well as rents, interest, and increased value of real estate.

SECTION —. Whenever it shall be made known to the Governor of the State of Texas, that from unlawful combinations, sparcity of jurors, or other causes, that the criminal laws of the State of Texas cannot be faithfully executed, and criminals punished, in any county in the State, he shall have the power, by proclamation, to order that the courts in the nearest county, free from like objections, shall take jurisdiction, and try all criminals for crimes that have been committed before said proclamation, in said rescuant county, and he may keep said proclamation in force until he is satisfied that crimes and criminals can be punished in said county.

SECTION —. That any debtor whose property may be sold by virtue of a writ of execution, to satisfy the payment of debt, shall be entitled to redeem the same, at any time prior to the first day of January, 1874, by refunding to the purchaser or purchasers, the amount of money paid for the property thus sold, and for costs of said sale, together with interest thereon, at the rate of ten per cent. per annum, and by paying for all improvements put upon said property, the value of which shall be ascertained by two disinterested appraisers; *provided*, however, that no debtor shall redeem real estate thus sold, if it should bring two-thirds of its assessed value in 1860.

Mr. McCormick moved that Mr. Harn and Mr. Kealey be permitted to print remarks upon the International Railroad Company.

Leave granted.

Mr. Johnson, of Harrison, introduced the following resolution:

Resolved, That the Secretary be authorized to give James B. Cassidy a certificate for ——— dollars, for writing done for the clerks of the Convention.

On motion the resolution was referred to the Committe on Finance.

Mr. Lindsay offered the following resolution:

Resolved, That the following sections be made part of the Constitution:

1. SECTION —. The grant of four leagues of land heretofore made to the several counties of the State, for common school purposes, is hereby revoked, except as to such portions thereof as have already been alienated by any of said counties. But this revocation shall not affect nor disturb the right of any lessee of said land, whose rights have been acquired under the provisions of the common school law heretofore in force.

2. SECTION —. The common school lands donated to the several counties shall hereafter be regarded as a part of the public domain. subject to entry and appropriation, as the other public lands of the State.

3. SECTION —. That every citizen of the United States who will settle, occupy, cultivate and improve any portion of the public domain of Texas, now vacant and unappropriated, shall be entitled to receive a grant for the same in fee simple, as follows: each head of family shall be entitled to a grant of one hundred and sixty acres, and each single adult person shall be entitled to eighty acres; provided, that each head of a family and each single adult person shall make an actual settlement thereon, and cultivate and improve the same; and provided further, that every such locator and settler shall defray the expenses of the survey, to be made by some authorized surveyor, and of the recording of the plat and certificate of survey, and of the issuance of the grant by the Commissioner of the General Land Office.

Mr. Lindsay moved a suspension of the rules to refer declaration to a special committee.

Lost.

The President presented the following communication:

AUSTIN, TEXAS,
August 11, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: At a meeting of Post No. 1, "Grand Army of the Republic," Department of Texas, held on the tenth instant, the accompanying resolution was adopted and ordered to be forwarded for the consideration of the Convention.

H. C. HUNT,
Post Adjutant.

Resolved, That the Constitutional Convention now in session be requested to cause to be collected and published in a well bound volume, the roster of all soldiers, sailors or marines who entered the United States service from the State of Texas, during the war, for the suppression of the rebellion.

It was referred to the Committee on State Affairs.

The President announced that the business in order was the report of the Committee on General Provisions,* and upon the substitute offered by Mr. Hamilton of Travis to section thirteen.

Mr. Smith, of Galveston, moved the previous question upon the adoption of section thirteen as amended.

Previous question seconded.

Mr. Schuetze moved a call of the House.

Call sustained.

Mr. Lindsay asked that Mr. Horne be excused.

Leave granted.

Mr. Smith, of Galveston, moved a suspension of the call.

Carried.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Butler, Caldwell, Carter, Constant, Degener, Downing, Evans of McLennan, Evans of Titus, Fleming, Glenn, Goddin, Hamilton of Travis, Horne, Hunt, Johnson of Calhoun, Jordan, Kendal, Keuchler, Kirk, Lindsay, Lippard, Long, Mackey, Mills, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Vaughan, Whitmore, Wilson of Milam, Wright—49.

---

* For report, see page 236.

Nays—Messrs. Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Curtis, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Harris, Harn, Kealy, Keigwin, Leib, McCormick, McWashington, Morse, Phillips of San Augustine, Rogers, Scott, Sumner, Thomas, Watrous, Wilson of Brazoria, Yarborough—29.

So the main question was ordered.

The question recurred upon the passage of section thirteen as amended.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Bell, Bellinger, Bledsoe, Butler, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, Fleming, Glenn, Goddin, Hunt, Johnson of Calhoun, Kendal, Kuechler, Kirk, Lindsay, Lippard, Long, Mackey, Mundine, Newcomb, Oaks, Pedigo, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Talbot, Vaughan, Wilson of Milam—35.

Nays—Messrs. Armstrong, of Lamar, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Cole, Constant, Curtis, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Jordan, Kealy, Keigwin, Leib, McCormick, McWashington, Mills, Morse, Muckleroy, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Stockbridge, Sumner, Thomas, Watrous, Wilson of Brazoria, Wright, Yarborough—41.

So the Convention refused to adopt the section.

Mr. Flanagan moved to reconsider the vote, and that the motion to reconsider be laid upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Constant, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Harn, Kealy, Keigwin. Leib, McCormick, McWashington, Mills, Morse, Muckleroy, Munroe, Phillips of San Augustine, Rogers, Scott, Smith of Marion, Sumner, Thomas, Watrous, Whitmore, Wilson of Brazoria, Wright, Yarborough—37.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Butler, Caldwell. Carter, Degener, Evans of McLennan, Evans of Titus, Fleming, Glenn, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Calhoun, Jordan, Kendal, Kuechler, Kirk, Lindsay, Lippard, Long, Mackey, Mundine, Newcomb, Oaks, Pedigo, Phillips of Wharton, Posey, Ruby, Schuetze, Slaughter, Smith of

Galveston, Stockbridge, Talbot, Vaughan, Wilson of Milam—40.

So the motion to lay the motion to reconsider upon the table was lost.

Mr. Flanagan asked leave to withdraw his motion to reconsider.

Leave not granted.

[Mr. Evans of McLennan in the chair.]

Under the rules, the Convention adjourned until this afternoon, at four o'clock.

AFTERNOON SESSION—FOUR O'CLOCK.

Roll called. Quorum present.

Mr. Butler called up the unfinished business of this morning.

Mr. Smith of Galveston moved a call of the House.

Carried.

Messrs. Mundine, Horne, and Caldwell were excused on account of sickness.

Mr. Talbot moved that when the Convention adjourns this evening, it adjourns until Thursday morning at nine o'clock, and that the use of the Hall be given to the Nominating Convention.

On motion, the call of the House was suspended.

The question recurred upon the motion to reconsider the vote rejecting section thirteen, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Butler, Carter, Degener, Downing, Evans of McLennan, Evans of Titus, Fleming, Glenn, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Kendal, Kuechler, Kirk, Lindsay, Lippard, Mackey, Newcomb, Oaks, Patten, Posey, Ruby, Smith of Galveston, Varnell, Wilson of Milam—31.

Nays—Messrs. Armstrong, of Lamar, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Cole, Constant, Curtis, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Grigsby, Hamilton of Travis, Harris, Horne, Jordan, Kealy, Keigwin, Leib, McCormick, McWashington, Mills, Morse, Muckleroy, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—44.

So the Convention refused to reconsider.

Mr. Evans of McLennan offered the following as a separate section of the Bill of Rights:

SECTION —. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, being citizens of the United States, are, if residing in Texas. declared to be citizens of the State of Texas; and no law, rule or regulation shall ever be made or enforced, in this State, which shall abridge the privileges or immunities of citizens of the United States; and all citizens of this State, in civil and political rights, shall stand equal before the laws of this State, and be subject to the same duties, burdens, pains and penalties.

Mr. Hamilton of Travis offered the following amendment:

"Except on account of the qualifications as prescribed in this Constitution for public offices."

The question recurring upon the adoption of the amendment, it was not agreed to.

Mr. Bryant of Grayson moved to lay the proposed amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Cole, Constant, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Glenn, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Morse, Muckleroy, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—52.

Nays—Messrs. President, Bell, Bledsoe, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Evans of McLennan, Goddin, Hunt, Johnson of Harrison, Kendal, Kuechler, Lippard, Mills, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith of Marion, Sumner, Talbot, Whitmore, Williams—28.

So the proposed section was laid upon the table.

On motion, section fourteen was adopted.

Section one of the general provisions was adopted.

Mr. Sumner moved to strike out, in section two, line two, "other high crimes."

Motion not agreed to.

Section two, on motion, was adopted.

Mr. Armstrong of Jasper moved to strike out section three.

Upon the motion to strike out, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bellinger, Boyd, Cole, Degener, Evans of Titus, W. Flanagan, Gaston, Glenn, Goddin, Harn, Johnson of Calhoun, Kealy, Kuechler, McCormick, Mills, Muckleroy, Munroe, Newcomb, Oaks, Pedigo, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Varnell, Vaughan, Wilson of Brazoria—28.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Morse, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Marion, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—53.

So the Convention refused to strike out.

Mr. Evans of McLennan offered the following amendment:

Amend by striking out the words "or commit an assault with deadly weapons," in line two.

Mr. McCormick offered the first section of general provisions of the constitution of 1845 as a substitute for original section and amendment.

Mr. Smith of Galveston moved to lay the substitute upon the table.

Lost.

The question recurred upon the adoption of the substitute.

The Convention refused to adopt the substitute.

Mr. Flanagan moved the previous question upon the adoption of the section.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurring upon the adoption of section three, it was adopted.

Mr. Armstrong of Jasper offered the following amendment to section four:

In section four, first line, strike out the words, "by ballot," and insert the words "given *viva voce.*"

Mr. Bryant of Grayson moved to lay the amendment upon the table.

Carried.

Mr. McCormick offered the following amendment:

After the word "ballot" in first line, insert "and no number or other mark of any kind shall be put upon the ballot of any voter, by any officer of election or by any other person, after said ballot is handed to the officer of election by the voter."

Mr. Burnett moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Board, Boyd, Bryant of Grayson, Butler, Burnett, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Glenn, Hamilton of Travis, Keigwin, Morse, Muckleroy, Oaks, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Wright—25.

Nays—Messrs. Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris, Buffington, Carter, Cole, Curtis, Downing, Fayle, Fleming, Foster, Gaston, Goddin, Grigsby, Harris, Harne, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mills, Newcomb, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—47.

So the Convention refused to lay the amendment upon the table.

Mr. Burnett moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurred upon the adoption of section four.

It was adopted.

Mr. Evans of McLennan moved to reconsider the vote by which section four was adopted.

Mr. Flanagan moved to lay the motion to reconsider upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Board, Boyd, Bryant of Grayson, Burnett, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Horn, Kealy, Keigwin, Kirk, Morse, Muckleroy, Pedigo, Rogers, Ruby, Scott, Smith of Galveston, Sumner, Varnell, Wright—28.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Buffington, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Foster, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Leib, Lindsay, Long, McCormick, Mills, Newcomb, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Schuetze, Slaughter, Smith of Marion, Stockbridge, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Yarborough—42.

So the Convention refused to lay the motion to reconsider upon the table.

The question recurred, "Shall the vote adopting section 4 be reconsidered.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Harris, Buffington, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Foster, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Leib, Lindsay, Lippard, Long, McCormick, Mills, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Williams, Wilson of Brazoria, Wilson of Milam—45.

Nays—Messrs. Boyd, Bryant, of Grayson, Burnett, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Kealy, Keigwin, Kirk, Morse, Muckleroy, Rogers, Scott, Varnell, Watrous, Whitmore, Wright, Yarborough—26.

So the Convention reconsidered the vote.

Mr. Smith, of Galveston, moved to lay the amendment upon the table.

On motion, the Convention adjourned until Thursday morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
AUGUST 13, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Buffington moved to suspend the rules to take up the resolution authorizing the Sergeant-at-Arms to discharge three or more pages of the Convention.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Boyd, Buffington, Cole, Constant, Evans of McLennan, Evans of Titus, Fleming, Foster, Gaston, Glenn, Grigsby, Harn, Kealy, Keigwin, Lindsay, McCormick, Morse, Muckleroy, Munroe, Pedigo, Smith of Galveston, Thomas, Whitmore—25.

Nays—Messrs. President, Bell, Bellinger, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Fayle, Flanagan, Goddin, Harris, Hunt, Johnson of Harrison, Jordan, Kendal, Keuchler, Kirk, Lippard, Long, McWashington, Mundine, Newcomb, Oaks, Patten, Phillips, of San Augustine, Rogers, Ruby, Schuetze, Scott, Stockbridge, Sumner, Talbot, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—45.

So the Convention refused to suspend the rules.

Mr. Munroe moved that all petitions to be referred to the Committee on Counties and County Boundaries, be so referred without reading.

Carried.

Mr. Board introduced the following resolution:

WHEREAS, The journals of this Convention should be recorded in a neat and uniform hand, and

WHEREAS, The Secretary has employed the services of a man fully competent to make a correct record, and who has progressed to the 276th page of said record; and

WHEREAS, The Secretary, after acknowledging to this House, "that he would pay to said employe the amount voted himself, to have the work done," has now, without cause, discharged him; therefore, be it

Resolved, That the Secretary be, and he is hereby required to continue the services of said employe, at least, until the adjournment of this Convention.

Mr. Board moved a suspension of the rules to take up the resolution.

Lost.

Mr. Sumner moved to reject the resolution.

The Convention rejected the resolution.

Mr. Schuetze offered the following declaration:

Be it ordained by the people of Texas in Convention assembled, That an act of the so-called —— Legislature of the State of Texas, known as an act to punish certain offences committed on Sunday, approved December 16, 1863, and sections 1, 2, 3, 4, of an act of the so-called eleventh Legislature of the State of Texas, passed November 13, 1866, known as chapter 178 of an act amendatory of an act to punish certain offences committed on Sunday, approved December 16, 1863, be and are hereby declared null and void.

Be it further ordained, That all prosecutions and judicial proceedings now pending in any court of this State, on the part of the State of Texas for the violation of any of said acts, shall at once be abandoned, and that this ordinance shall take effect from and after its passage.

Mr. Schuetze moved a suspension of the rules to take up declaration.

Mr. Evans, of McLennan, moved a call of the House.

Call sustained.

Mr. Smith, of Galveston, moved a suspension of the call.

Call suspended.

The question recurred upon the suspension of the rules, upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Brown, Bryant of Harris, Caldwell, Carter, Constant, Degener, Downing, Evans, of McLennan, Fleming, Goddin, Hamilton of Travis, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kendal, Leib, Lindsay, Lippard, Long, Mackey, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Posey, Ruby, Schuetze, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Wilson of Milam, Wright—43.

Nays—Messrs. Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Cole, Curtis, Evans of Titus, Fayle, Flanagan, W. Flanagan, Foster, Gaston, Glenn, Grigsby, Harris, Harn, Kealy, Kuechler, Kirk, McCormick, McWashington, Morse, Muckleroy, Phillips of San Augustine, Phillips, of Wharton, Rogers, Scott, Slaughter, Talbot, Watrous, Whitmore, Wilson of Brazoria, Yarborough—36.

So the Convention refused to suspend the rules.

Mr. Burnett offered the following declaration:

A DECLARATION

Requesting Major General Reynolds to abolish the act of the Eleventh Legislature of the State of Texas organizing the county courts, and defining the powers and jurisdiction thereof.

WHEREAS, The Eleventh Legislature of the State of Texas passed an act entitled "an Act to organize the county courts, and defining the powers and jurisdiction thereof," approved October 25, 1866, which said act has in its operations failed to accomplish any practical good; but on the contrary, has proved to be onerous and oppressive to the people; and, whereas, it is believed the welfare and interests of the people of Texas would be subserved by the repeal of said act; and, whereas, it may be twelve months or more before a lawful Legislature can be assembled, whereby said act can be legally repealed by the authority of the people; and, whereas, said act, together with all other laws of the State of Texas, are, by the Reconstruction Acts of Congress, declared provisional only, and in all respects subject to the Military Commander of this military district and the permanent authority of Congress, at any time to abolish, modify, control or supersede the same; therefore,

Be it declared by the delegates of the people of Texas in Convention assembled, That Brevet Major General J. J. Reynolds, Commander of the Fifth Military District, comprising the State of Texas, be, and he is hereby most respectfully requested to abolish or repeal said act of the Eleventh Legislature, and order that all business now pending in said county courts be transferred to the district courts of the respective counties, and that all records, books and papers whatever pertaining to said county courts be placed in the hands of the district clerks of the several counties; and further, to order all causes now pending in said county courts to be placed in regular order on the dockets of the district courts of the respective counties, to be disposed of by said district courts as in original cases.

Be it further declared, That a copy of this declaration, signed by the President, and countersigned by the Secretary, be forwarded to Major General Reynolds, through his Excellency, E. M. Pease, Provisional Governor of Texas.

Laid over under the rules.

Mr. Mundine offered the following declaration, and asked its reference to the Committee on Counties and County Boundaries:

A DECLARATION

Defining and establishing the line between the counties of Burleson and Brazos, and locating the county site of Burleson county.

SECTION 1. *Be it declared by the people of Texas in Convention assembled*, That Davidson's Creek be and is hereby made and declared to be the line between the counties of Burleson and Brazos, and that all that part of the county of Burleson lying east and north of said line be, and is hereby attached to the county of Brazos.

SEC. 2. *Be it further declared*, That the town of Lexington be, and is hereby established the county site of Burleson, until otherwise changed by the legal votes of said county, and that this declaration take effect from and after its passage.

It was so referred.

Mr. Armstrong, of Jasper, introduced the following declaration, and asked its reference to the Committee on State Affairs:

AN ORDINANCE

Appropriating the State tax of the county of Jefferson, collected for the present year (1868) for the purpose of repairing the damage done recently by lightning to the court house of said county.

Be it ordained by the people of Texas in Convention assembled, That the State tax collected in the county of Jefferson, for the present year, A. D. 1868, be, and the same is hereby appropriated for the repairing of the courthouse of said county, recently much injured by lightning, and that the county court of said county is hereby authorized to control said moneys for the purposes aforesaid.

It was so referred.

Mr. Carter introduced the following resolution:

Resolved, That the yeas and nays be omitted in the reading of the Journals, unless by the request of some member to have them read.

Mr. Carter asked that the rules be suspended for the immediate consideration of the resolution.

Rules suspended and resolution passed.

Mr. Armstrong of Lamar asked leave of absence for Mr. Rogers.

Leave granted.

Mr. Munroe offered the following resolution:

Resolved, That Brevet Major General J. J. Reynolds be requested to instruct the County Judge of Trinity county to permit W. L. Culbreath, who has lately been appointed County Clerk of said county, to enter upon the discharge of the duties of his office, by his entering into a bond for the sum of one hundred dollars, with good and sufficient security.

Laid over one day under the rules.

Mr. Munroe asked a suspension of the rules for the consideration of the resolution.

Lost.

Mr. Board offered the following resolution:

Resolved, That no member be allowed to speak more than ten minutes at any one time hereafter, and only be allowed one speech on any one subject.

Laid over under the rules.

The President announced the unfinished business was the report of the Committee on General Provisions,* and upon the amendment offered by Mr. McCormick to section four of the general provisions.

Mr. Degener moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Board, Boyd, Bryant of Grayson, Butler, Burnett, Caldwell, Degener, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Hamilton of Travis, Horne, Keigwin, Kendal, Kirk, Mackey, Morse, Muckleroy, Munroe, Oaks, Patten, Smith of Galveston, Sumner, Talbot, Varnell, Vaughan, Whitmore, Williams, Wright—33.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Brown, Buffington, Carter, Constant, Downing, Evans of McLennan, Fayle, Fleming, Foster, Goddin, Grigsby, Harris, Harn, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Leib, Lindsay, McCormick, Mills, Mundine, Newcomb, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Scott, Slaughter, Stockbridge, Thomas, Watrous, Wilson of Brazoria, Wilson of Milam, Yarborough—41.

---

* For report, see page 236.

So the Convention refused to lay the amendment upon the table.

The question recurred upon the adoption of the amendment.

It was adopted.

Mr. Evans of McLennan offered the following amendment:

Amend by adding at the close of the section the following words: "And all ballots or votes cast at any election for any person who is at the time ineligible under the laws of the United States, or this State, to hold office, are declared and shall be held, for all purposes and by all persons, null and void."

Mr. McCormick asked leave of absence for Mr. Fayle.

Leave granted.

Mr. Horne offered the following amendment to the amendment:

And that all election returns shall be taken as valid, and the purging of the ballot-box for fraud shall be forever prohibited.

Mr. Flanagan offered the following substitute to the amendment:

In all elections by the people the vote shall be by ballot, until the Legislature shall otherwise direct; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

On motion, the amendment of Mr. Horne was laid upon the table.

The question recurred upon the adoption of the amendment offered by Mr. Evans of McLennan.

It was not adopted.

Mr. Butler moved a reconsideration of the vote adopting Mr. McCormick's amendment.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong, of Jasper, Bledsoe, Board, Boyd, Bryant of Grayson, Butler, Burnett, Caldwell, Curtis, Degener, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Keigwin, Kendal, Kuechler, Kirk, Mackey, Morse, Muckleroy, Munroe, Newcomb, Oaks, Posey, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Vaughan, Watrous, Williams, Wright—41.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Brown, Buffington, Carter, Constant, Downing, Evans of McLennan, Evans of Titus, Foster, Goddin, Grigsby, Harris, Johnson of Calhoun, Jordan, Kealy, Leib, Lindsay, Lippard, McCormick, McWashington, Mundine, Phillips of Wharton, Ruby, Slaughter, Stockbridge, Thomas, Whitmore, Wilson of Brazoria, Wilson of Milam, Yarborough—33.

So the vote was reconsidered.

Mr. Buffington moved the previous question upon the passage of section four.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurred upon the adoption of section four.

It was adopted.

Section five, upon motion, was adopted.

Mr. Armstrong of Jasper offered the following amendment to section six:

Strike out in second line the words, "except for the purposes of education."

Upon motion, the amendment was laid upon the table.

Mr. Phillips of San Augustine offered the following amendment:

Strike out all after "law," in the sixth line.

Mr. Flanagan moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurred upon the adoption of section six.

It was adopted.

Mr. Evans of McLennan moved to lay section seven on the table.

Lost.

Section seven, upon motion, was adopted.

Section eight, upon motion, was adopted.

Mr. Munroe offered the following amendment:

Amend section nine by inserting after the words "foreign power," in line two, the words "excepting the office of Assessor and Collector of United States Internal Revenue Taxes."

Mr. Flanagan moved to lay the amendment upon the table.

Withdrawn.

Mr. Johnson of Calhoun offered the following amendment:

Insert the words "when the salary or emoluments of such office shall exceed one thousand dollars," after the word "power" in the second line.

Ruled out of order.

Mr. Flanagan moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurring upon the adoption of section nine, it was adopted.

Section ten, upon motion, was adopted.

Section eleven, upon motion, was adopted.

Mr. Evans, of McLennan, offered the following as an additional section:

SEC. 12. All civil officers shall reside within the State, and all district or county officers within their districts or counties, and shall keep their offices at such places therein as may be required by law.

Upon the adoption of the section the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Boyd, Brown, Bryant of Harris, Buffington, Burnett, Carter, Cole, Constant, Curtis, Downing, Evans of McLennan, Evans of Titus, Fleming, Foster, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Knechler, Lippard, McCormick, McWashington, Mills, Morse, Munroe, Newcomb, Oaks, Phillips of San Augustine, Phillips of Wharton, Ruby, Schuetze, Smith of Galveston, Sumner, Talbot, Thomas, Whitmore, Watrous, Wilson of Brazoria, Wilson of Milam, Wright —54.

Nays—Messrs. Board, Bryant of Grayson, Flanagan, W. Flanagan, Harn, Lindsay, Mackey, Posey, Scott, Smith of Marion, Vaughan—11.

So the Convention adopted the section.

Mr. Hamilton of Travis asked that Mr. Caldwell be excused.

Excused.

Previous question seconded upon the adoption of section twelve.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurred upon the adoption of section twelve.

It was adopted.

Mr. Hamilton of Travis offered the following amendment to section thirteen:

Amend by adding, "except in cases where the right of the wife is acquired after the creation of the debt."

The amendment was adopted.

Mr. Hamilton of Travis moved that when the Convention adjourns it adjourns until to-morrow morning at nine o'clock.

Carried.

Mr. Evans of McLennan moved to strike out all of the section after the word "by" in first line, and the word "law" be inserted after the word "by" in the first line.

Amendment adopted.

Mr. Armstrong of Jasper offered the following amendment to section thirteen:

"And that married women, infants and insane persons, shall not be barred of their rights of property by adverse possession, or law of limitation, of less than seven years from and after the removal of each and all of their respective legal disabilities," to be inserted after the word "law."

The amendment was adopted.

Mr. Varnell offered the following amendment to the amendment:

Insert after the word "personal," in first line, "and the increase of the same."

It was adopted.

Mr, Johnson of Calhoun moved to strike out the word "that" in —— line.

Section thirteen, on motion, was adopted.

Carried.

The death of Hon. Thaddeus Stevens being announced,

The Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
AUGUST 14TH, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Carter moved that, in respect to Hon. Thaddeus Stevens, the Sergeant-at-Arms be directed to have the flag over the Capitol immediately lowered to half-mast.

It was so ordered.

Mr. Pedigo, Chairman of the Committee on Counties and County Boundaries, made the following report:

COMMITTEE ROOM,
Austin, Texas, August 13, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a resolution introduced by Mr. Carter, in reference to the creation of new counties, and requiring all new counties to contain at least six hundred square miles, instead of nine hundred square miles, as required by the Constitution of 1845, have had the same under consideration, and a majority of the committee have instructed me to report the following as a substitute for section twenty-four of the General Provisions of the new Constitution, as reported by the Committee on General Provisions, to wit:

SECTION 24. "The Legislature may, from time to time, create new counties for the convenience of the people; provided, however, that no new county shall be created which shall contain, or reduce the county or counties, or either of them, from which it may be taken, to a less area than six hundred square miles, except by the concurrence of a majority of two-thirds of each branch of the Legislature."

And to suggest to the Convention the propriety of its adoption.

All of which is respectfully submitted.

H. C. PEDIGO,
Chairman.

Mr. Phillips, of Wharton, from the Committee on Commerce and Manufactures, reported as follows:

COMMITTEE ROOM,
Austin, August 14, 1868.

To the Hon. E. J. DAVIS,
President of the Constitutional Convention:

SIR: The Committee on Commerce and Manufactures has instructed me to report as follows:

The committee is of the opinion that the condition of the country makes it the true policy of this State to lend encouragement to every kind of manufactures for which the raw material is produced or found within the State. The whole country offers inducements to capital to find investment in manufactories of one description and another; and our State cannot enjoy the advantages resulting from such investments within her limits, without offering some peculiar advantages to capitalists in return. The difficulties encountered by those engaging in the business of manufacturing in the interior of the State are very great, owing to the want of facilities for transportation of machinery.

The committee is of the opinion that to exempt from forced sale, for a period of five years, such machinery as may be devoted to manufacturing purposes of public utility, would furnish some encouragement to the establishment of such manufactories.

The committee therefore recommend the adoption by the Convention of the accompanying declaration on this subject (marked "A"), as one of the several provisions of the Constitution.

Your committee is also of the opinion that it is important to the commercial interest of a large portion of the State, that Sabine City should be made a port of entry, and the committee therefore recommend the adoption of the accompanying resolution memorializing the Congress of the United States on this subject.

While it may not be deemed strictly within the province of your Committee to do so, the committee cannot refrain from expressing their opinion of the necessity of establishing an industrial bureau, for the collection, preservation, and publication of statistics in relation to the commerce, manufactures, agriculture, and various industries of the State. Our State is of such great territorial extent that persons visiting it for the purpose of seeking homes are unable to obtain information respecting its different parts, except by personal inspection, at great expense and inconvenience, and go away dissatisfied; who, under other circumstances, would be able to find homes adapted to the pursuit or business in which they desire to engage. Your committee is of opinion that it would contribute very greatly to the settlement of the State, to establish an office at the Capital for the purpose of collecting and publishing to the world the various advantages offered by the different parts of our State to immigrants, and your committee believes that the information which would be thus collected, would in other respects be of great public utility.

Your committee therefore recommend the passage by the Convention of a declaration providing for the establishment of a bureau of industrial resources, as a part of the constitution.

All of which is respectfully submitted.

W. J. PHILLIPS,
Chairman.

DECLARATION "A."

WHEREAS, It being the policy and duty of the people of Texas to foster and encourage the industrial interests of its citizens, particularly as regards its manufacturing interests; therefore, be it

Resolved, That all machinery imported into this State for manufacturing purposes shall be exempt from taxation for five years from the date of its being put in operation.

Mr. Pedigo moved that the rules be suspended to take up the following resolution respecting Sabine Pass.

Be it resolved by the people of Texas in Convention assembled:
First. That the Congress of the United States be and are hereby requested to make by law, Sabine Pass, in the State of Texas, a port of entry.
Second. That copies of this resolution, signed by the President of this Convention, and attested by the Secretary thereof, be forwarded to the Speaker of the House of Representatives and the President of the Senate of the United States.

Rules suspended, resolution read and adopted.
Mr. Evans of McLennan, moved a further suspension of the rules to put resolution on its passage.
Rules suspended, resolution read third time and adopted.
Mr. Evans, of McLennan, moved a suspension of the rules to introduce the following resolution:

Resolved, That the Secretary of this Convention be, and he is hereby authorized to draw a warrant against the contingent fund of this Convention, in favor of Fred. Slaughter, for the sum of $1.50 per day, for his services as page or employe of this body, in carrying the mail of the members of this Convention from this Hall to the postoffice and back.

Rules suspended, resolution read second time and agreed to.
Rules further suspended, resolution read third time and passed.
Mr. Thomas offered the following resolution:

AN ORDINANCE.

We, the people of Texas in Convention assembled, do ordain and declare that:

SECTION 1. The constitution adopted by a convention of the people, on the twenty-seventh day of August, 1845, accepted by the Congress of the United States, on the twenty-ninth day of December, 1845, and amended by the people of this State on the sixteenth day of January, 1850, is the Constitution of the State of Texas, except as hereinafter provided.
SEC. 2. The laws of this State are the laws passed in pursuance of the Constitution of this State, as defined in the preceding section.

SEC. 3. The so-called ordinance of secession, adopted by a pretended convention of the people of Texas, on the first day of February, 1861, is, and was from the beginning, null and void.

SEC. 4. All laws or parts of laws, whether fundamental or statutory, which conflict with the Constitution or laws of the United States; or are inconsistent with the great fundamental truth, that all men have equal civil and political rights, are null and void, and shall forever remain without force or effect in this State.

SEC. 5. The people of this State, with its present organization, or so much thereof as is loyal to the United States, are hereby remitted to their rightful constitution and laws, as defined in sections one, two and four of this ordinance.

SEC. 6. All offices now vacant, or which may hereafter become vacant, shall be filled in the manner prescribed by law; provided, however, that prior to the first Monday in August, one thousand eight hundred and seventy, all members of the Legislature, and all officers, before entering upon the duties of their offices, shall take the following oath or affirmation:

SEC. 7. This ordinance shall take effect and be in force from and after notice of its approval by the Congress of the United States.

Mr. Evans of McLennan moved a suspension of the rules to consider the resolution.

Lost.

Mr. Fayle introduced a declaration, desiring its reading to be dispensed with and referred to the Committee on Internal Improvements.

It was so ordered.

Mr. Vaughan offered the following

DECLARATION.

Be it declared by the people of Texas in Convention assembled:

First, That the Police Court of Guadalupe county shall have authority to levy a special tax, for the purpose of paying off the present indebtedness of said county; provided said special tax shall not exceed twenty cents on each hundred dollars' worth of property;

and, further provided, that the occupation tax levied by virtue of this ordinance shall not exceed that levied by the State.

Second. The assessor and collector of said county shall assess and collect the special tax authorized above, when ordered so to do by the Police Court of said county.

Mr. Vaughan moved a suspension of the rules for the immediate consideration of the resolution.

Lost.

The President announced the unfinished business of yesterday to be next in order, and was upon the report of the Committee on General Provisions,* and upon the adoption of section fourteen.

Mr. Hamilton of Travis offered the following substitute:

The homestead of a family, not to exceed two hundred acres of land in the country, or a lot or lots in a town or city, not to exceed two thousand dollars in value at the time of the acquisition of the same, and without reference to the subsequent value thereof, is hereby protected from forced sale for any debts hereafter contracted, except for purchase money due thereon; and the assent of the wife, if the owner be a married man, shall be necessary to the transfer and alienation of the same.

Mr. Buffington moved the adoption of the substitute.

Substitute adopted.

Mr. Burnett offered the following amendment to the substitute:

"And the consent of the wife shall only be given in the manner now prescribed by law, or in such manner as the Legislature may hereafter point out."

Mr. Phillips of Wharton offered the following substitute:

The Legislature shall have power to protect by law, from forced sale, a certain portion of the property of all heads of families. The homestead of a family not to exceed two hundred acres of land (not included in a town or city), or any city, town, or village lot or lots, not to exceed two thousand dollars in value at the time of their designation as a homestead, and without reference to any improvements thereon, shall not be subject to forced sale for any debts, except they be for the purchase thereof, for the taxes assessed thereon, or for labor or materials expended thereon; nor shall the owner, if a married man, be at liberty to alienate the same, unless by consent of the wife, and in such manner as may be prescribed by law.

---

*For report see page 236.

The question recurred upon the adoption of the substitute offered by Mr. Phillips of Wharton.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Goddin, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Leib, Long, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Stockbridge, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—64.

Nays—Messrs. Brown, Caldwell, Grigsby, Harris, Lindsay, Smith of Galveston, Smith of Marion, Sumner, Thomas—9.

So the substitute was adopted.

Mr. Flanagan moved to strike out "2000" and insert "5000."

Mr. Degener moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Brown, Bryant of Grayson, Constant, Downing, Grigsby, Hunt, Jordan, Kealy, Kuechler, Munroe, Newcomb, Phillips of San Augustine, Schuetze, Scott, Smith of Marion, Sumner, Thomas, Whitmore, Williams, Wilson of Milam, Wright—25.

Nays—Messrs. Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Burnett, Carter, Curtis, Degener, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kendal, Kirk, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Oaks, Rogers, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Yarborough—48.

So the Convention refused to lay the amendment upon the table.

Mr. Lindsay offered the following substitute:

The Legislature shall have power to protect by law such portion of the personal property of the heads of families from forced sale for debts contracted after the passage of such law as it may deem necessary. But the homestead of a family, not to exceed five thousand dollars in value at the time of its acquisition and dedication, whether situated in or out of a town or city, is herein protected from forced sale for debts hereafter contracted, except for the purchase money, for labor and materials in making improvements thereon, for taxes which may become due to the State or for municipal purposes. Nor shall a married man have the right to alienate the same without the consent of the wife, to be given and ascertained in such manner as may be prescribed by law.

Mr. Flanagan moved to lay the substitute upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Carter, Constant, Curtis, Evans of McLennan, Evans of Titus, Flanagan, W. Flanagan, Gaston, Glenn, Goddin, Hamilton of Travis, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kendal, Kirk, Leib, Long, McCormick, McWashington, Morse, Muckleroy, Mundine, Oaks, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Slaughter, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Yarborough—50.

Nays—Messrs. Bellinger, Bledsoe, Brown, Burnett, Caldwell, Degener, Downing, Fayle, Jordan, Kealy, Kuechler, Lindsay, Munroe, Newcomb, Smith of Marion, Talbot, Williams, Wilson of Milam, Wright—19.

So the substitute was laid upon the table.

The question recurred upon the adoption of the amendment offered by Mr. Flanagan.

It was adopted.

Mr. Phillips, of San Augustine, offered the following amendment:

Strike out "town or city," and insert "city, town or village."

The amendment was adopted.

Mr. Yarborough offered the following amendment:

Amend by adding after "shall have power," "and it shall be their duty."

The amendment was adopted.

Mr. Talbot offered the following amendment:

Strike out "200" and insert "320."

On motion, the amendment was laid upon the table.

Mr. McCormick moved to strike out the word "made."

Carried.

The question recurred upon the adoption of the substitute as amended.

It was adopted as section 14.

Section 15, on motion, was adopted.

Section 16, on motion, was adopted.

Section 17, on motion, was adopted.

Section 18, on motion, was adopted.

Section 19, on motion, was adopted.

Mr. Munroe offered the following amendment to section 20:

Land property shall be sold for taxes due thereon under such rules as the Legislature may prescribe.

Mr. Evans, of McLennan, moved the previous question.

Previous question seconded.

The question recurred "shall the main question be now put?"

The main question was ordered.

The question recurred upon the adoption of section 20.

It was adopted.

Mr. Buffington offered a substitute for section 21.

The substitute was withdrawn.

Mr. Evans, of McLennan, offered to amend by inserting after the word "made," in first line, "by the first Legislature," and strike out all after the word "in," in same line, to the word "of," in second line.

Amendment withdrawn.

Mr. Wilson, of Brazoria, offered the following substitute for section 21:

Provision shall be made by the first Legislature for the condemnation and sale of all lands for taxes due thereon, and every five years thereafter, of all lands, the taxes upon which have not been paid to that date.

The substitute was adopted.

Mr. Buffington moved to strike out "every five years."

Lost.

The question recurred upon the adoption of the substitute.

It was adopted.

Mr. Phillips, of San Augustine, moved to strike out section 22.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bell, Bellinger, Boyd, Bryant of Harris, Butler, Carter, Evans of Titus, Fayle, Flanagan, W. Flanagan, Goddin, Grigsby, Kendal, Leib, Lindsay, Mackey, Morse, Phillips of San Augustine, Sumner, Varnell, Whitmore—21.

Nays—Messrs. President, Armstrong of Lamar, Armstrong of Jasper, Bledsoe, Board, Bryant of Grayson, Buffington, Burnett, Curtis, Degener, Downing, Evans of McLennan, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Kuechler, Kirk, Long, McWashington, Muckleroy, Munroe, Newcomb, Patten, Phillips of Wharton, Rogers, Ruby, Schuetze, Talbot, Thomas, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—35.

So the Convention refused to strike out section 22.

Mr. Evans, of McLennan, offered the following amendment;

Amend section 22, line one, by inserting after the word "individuals" the words "and banking companies or corporations."

On motion, the amendment was adopted.

Mr. Armstrong, of Jasper, moved to strike out the word "shall" and insert the word "may."

Lost.

Mr. Sumner offered the following amendment:

By making second line read as follows: "or other paper to be circulated as money."

Mr. Degener moved the previous question.

Mr. Phillips, of San Augustine, moved a call of the House.

Call sustained.

On motion, the Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
August 15, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Whitmore, from the Committee on Finance, reported as follows:

COMMITTEE ROOM,
Austin, August, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Your Committee to whom was referred a resolution offered by Mr. Johnson, of Harrison, authorizing the Secretary of the Convention to grant James B. Cassidy a certificate for —— dollars, for writing done for the secretaries of the Convention, have had the same under cousideration, and request me to report the same back and ask its passage.

Mr. Whitmore moved to suspend the rules to take up report.

Lost.

Mr. Pedigo, Chairman of the Committee on Counties and County Boundaries, reported as follows:

COMMITTEE ROOM,
Austin, August 14, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Your Committee on Counties and County Boundaries, to whom was referred a declaration, introduced by Mr. Mundine, to define the line between the counties of Burleson and Brazos, and also memorials from divers citizens of Burleson county upon the same subject, have had under consideration the said declaration and memorials, and a majority of the Committee have instructed me to report that the action proposed involves local considerations with which your Committee do not feel themselves fully acquainted; nevertheless they report back the declaration, believing that its adoption will promote the convenience of the people immediately affected by it.

All of which is respectfully submitted,

H. C. PEDIGO,
Chairman.

Mr. Stockbridge offered the following declaration and asked its reference to the Committee on Public Debt.

DECLARATION

For the relief of M. K. Rion.

SECTION —. *Be it declared by the people of Texas in Convention assembled,* That the Comptroller is hereby directed to audit and pay to M. K. Rion the sum of two thousand and five hundred dollars, with interest thereon for twelve months.

It was so referred.

Mr. Kealy offered the following resolution, and asked its reference to the Committee on General Provisions:

Be it resolved, That all persons engaged in any profession, mercantile, mechanical, or any business of labor whereby they make their living, and are heads of families and own no homesteads, in lands, town or city lots, they shall be entitled to an exemption of $2,000 from all debts.

Mr. Wilson, of Brazoria, offered the following declaration, and asked its reference to the Committee on General Provisions:

Be it declared by the people of Texas in Convention assembled, That it shall be the duty of the first Legislature after the adoption of this constitution to levy a special road tax upon the property of all persons in this State, and appropriate the same to the building of bridges and improvement of public roads in the different counties in the State, under such rules and regulations as said first Legislature shall provide.

It was so referred.

Mr. Sumner offered the following declaration, and asked its reference to Committee on Political and Legislative:

Resolved, That any person who shall hinder by threats, acts, or any other kind of intimidation, or shall discharge from his employment any person for exercising the right of franchise for voting in any election, shall be deemed guilty of crime and misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall be fined in a sum not less than —— dollars, nor more than —— dollars, and shall be declared disfranchised and deprived of the right of voting at any election created by this constitution for the term of —— years.

It was so referred.

The President announced the business in order was the unfinished business of yesterday, being upon the twenty-second section of the report of the Committee on General Provisions.*

Mr. Buffington moved the previous question.

Previous question seconded.

Mr. Phillips, of San Augustine, moved a call of the House.

Call sustained.

Mr. Carter moved a suspension of the call.

Carried.

Mr. Phillips, of San Augustine, moved a call of the House.

Call not sustained.

Mr. Buffington asked leave of absence for Mr. Bryant, of Grayson.

Leave granted.

The question recurred, "shall the main question be now put?"

The main question was ordered.

The question recurred upon the passage of section twenty-two as amended.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Board,

---

*For report see page 236.

Bryant of Harris, Buffington, Degener, Downing, Evans of McLennan, Hunt, Kendal, Kuechler, Lippard, Long, Morse, Muckleroy, Newcomb, Oaks, Ruby, Schuetze, Thomas, Williams, Yarborough—23.

Nays—Messrs. Armstrong of Lamar, Bell, Boyd, Brown, Burnett, Caldwell, Carter, Cole, Constant, Evans of Titus, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Johnson of Calhoun, Johnson of Harrison, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—50.

So the Convention rejected section twenty-two.

Mr. Smith, of Galveston, moved to strike out section twenty-three.

[Mr. Evans, of McLennan, in the chair.]

Mr. Jordan moved to reconsider the vote striking out section twenty-two..

The question recurred upon the motion to strike out section twenty-three.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bell, Board, Boyd, Burnett, Caldwell, Carter, Cole, Evans of McLennan, Evans of Titus, Fayle, Flanagan, W. Flanagan, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Kendal, Kirk, Leib, Lindsay, McCormick, McWashington, Mills, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Watrous, Wilson of Brazoria, Wright—41.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Brown, Buffington, Constant, Degener, Downing, Fleming, Gaston, Glenn, Goddin, Hunt, Jordan, Kuechler, Lippard, Morse, Muckleroy, Oaks, Patten, Schuetze, Thomas, Williams, Wilson of Milam, Yarborough—26.

So the Convention agreed to strike out section twenty-three.

The question recurred upon the motion to reconsider the vote rejecting section twenty-two.

Mr. Flanagan moved to lay the motion upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bell, Board, Boyd, Butler, Burnett, Caldwell, Carter, Cole, Constant, Evans, of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Leib, Lindsay, McCormick, McWashington, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Watrous, Wilson of Brazoria, Wright—43.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Harris, Buffington, Curtis, Degener, Downing, Evans of McLennan, Fleming, Glenn, Goddin, Johnson of Harrison, Jordan, Kendal, Keuchler, Lippard, Long, Morse, Muckleroy, Oaks, Patten, Ruby, Schuetze, Thomas, Williams, Wilson of Milam, Yarborough—29.

So the Convention laid the motion to reconsider upon the table.

Mr. Johnson, of Calhoun, asked leave of absence for Mr. Bellinger for an indefinite period.

Leave granted.

Mr. Smith, of Galveston, moved to reconsider the vote striking out section twenty-three, and to lay the motion upon the table.

Upon the motion to lay upon the table, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bell, Board, Boyd, Butler, Burnett, Caldwell, Carter, Evans of Titus, Fayle, Flanagan, W. Flanagan, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Leib, Lindsay, Long, McCormick, McWashington, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Watrous, Wilson of Brazoria, Wright—44.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Harris, Buffington, Constant, Curtis, Downing, Evans of McLennan, Fleming, Jordan, Kendal, Keuchler, Lippard, Morse, Newcomb, Oaks, Patten, Schuetze, Thomas, Williams, Wilson of Milam—23.

So the Convention laid the motion upon the table.

Mr. Evans, of McLennan, offered the following additional section to the report on the Committee on General Provisions:*

That the aggregate amount of debts heretofore contracted by the Legislature shall never exceed five hundred thousand dollars, except in case of war, to repel an invasion, or suppress an insurrection, and to sustain common schools; provided, always, that the Legislature of Texas may use her credit to any sum in aid of internal improvements, by levying a tax sufficient to pay for the interest of such sum employed in internal improvements, and a one per cent. sinking fund.

---

*For report see page 236.

Mr. Smith, of Galveston, offered the following substitute:

It shall be the duty of the Legislature to provide by law, in all cases where State debt is created, adequate means for the payment of the current interest, and two per cent. as a sinking fund for the redemption of the principal, and all such laws shall be irrepealable until principal and interest are fully paid.

The question recurred upon the adoption of the substitute.

It was adopted as an additional section.

Mr. Evans, of McLennan, moved to insert the words "or county" after the word "State."

The amendment was adopted.

The question recurred upon the adoption of the section as amended.

It was adopted.

Mr. Wright offered the following as an additional section.

That the State Legislature shall have power to loan the credit of the State to any railroad or manufacturing company, upon the mortgaging by said company of a sufficient amount of land to secure the amount of said credit thus loaned.

Mr. Smith, of Galveston, moved to lay the substitute upon the table.

Carried.

Mr. Carter offered the following substitute to section twenty-four:

The Legislature may from time to time create new counties for the convenience of the people; provided, however, that no new county shall be created which shall contain, or reduce the county or counties, or either of them from which it may be taken, to a less area than six hundred square miles, except by the concurrence of a majority of two-thirds of each branch of the Legislature.

Mr. Flanagan moved to reject the substitute.

The Convention refused to reject.

The question recurred upon the adoption of the substitute to section twenty-four.

It was adopted.

Mr. Armstrong, of Lamar, offered the following as a substitute for the section as adopted:

New counties may be established by the Legislature, to consist of not less than three hundred and fifty square miles, and which shall contain a population of four hundred qualified voters. No line of such county shall approach the courthouse of any old county, from which it may be taken, nearer than twelve miles. No part of a county shall be taken off to form a new county, or a part thereof, without the consent of a majority of the qualified voters in such part taken off, and in all cases where an old county may be reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of the qualified voters of said county, nor shall said old county be reduced to less than six hundred square miles; provided that all the new counties formed by this Convention are hereby declared to be constitutional, and shall vote with the counties from which they are taken for all State offices, until they are entitled to separate representation.

The question recurring upon the adoption of the substitute, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bledsoe, Board, Brown, Cole, Curtis, Evans of Titus, Flanagan, Gaston, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Harrison, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Mackey, McWashington, Morse, Mundine, Munroe, Phillips of Wharton, Schuetze, Stockbridge, Varnell, Watrous, Williams, Wilson of Brazoria—34.

Nays—Messrs. Armstrong of Jasper, Bellinger, Burnett, Carter, Constant, Degener, Downing, Evans of McLennan, Fleming, Newcomb, Patten, Pedigo, Phillips of San Augustine, Rogers, Ruby, Slaughter, Talbot, Thomas, Whitmore, Wilson of Milam, Wright—21.

So the substitute was adopted.

Mr. Davis, of Nueces, offered the following amendment:

At end of section: "Provided that no new county shall be created where less than one hundred and fifty qualified jurors are resident therein."

The amendment was adopted.

Mr. Thomas moved to amend by striking out "400" and insert "600."

Mr. Flanagan moved the previous question upon the adoption of the substitute to section twenty-four as amended.

Previous question seconded.

The question recurred: "Shall the main question be now put?"

The main question was ordered.

The question recurred upon the adoption of the section as amended.

It was adopted.

Mr. Armstrong, of Jasper, offered the following amendment to section twenty-five:

In section twenty-five, in second line, strike out all after the word "constitution," and insert the words "until otherwise provided by law."

Amendment adopted.

Mr. Hamilton, of Travis, moved to amend by striking out after the word "of," in the first line, to the word "are," inclusive, and inserting the words "State officers."

Agreed to.

Upon motion, section twenty-five, as amended, was agreed to.

Mr. Flanagan moved to strike out section twenty-six.

Carried.

Mr. Evans, of Titus, rising to a question of personal privilege, requested a person, refusing to give evidence, now restrained of his liberty, by order of this Convention, be brought before the Convention.

The sergeat-at-arms was ordered to bring the person before the Convention.

The sergeant-at-arms reported the person at the bar of the House.

Mr. Caldwell moved that said person be discharged upon his testifying before the Committee on Lawlessness and Crime.

The Convention agreed to the motion.

On motion the Convention adjourned until Monday morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
AUGUST 17, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Butler, from the Committee on Penitentiary, offered a report.

By consent of the Convention, the report was temporarily withdrawn.

The President announced the business in order was the report* of the Committee on General Provisions.

Mr. Flanagan moved to strike out section twenty-seven.

Carried.

---

* For report see page 236.

Mr. Wright moved to strike out section twenty-eight.

Carried.

Mr. Board moved to strike out section twenty-nine.

Carried.

Mr. Board moved to strike out section thirty.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Board, Boyd, Cole, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Harris, Harn, Horne, Keigwin, Kirk, Morse, Muckleroy, Munroe, Patten, Rogers, Varnell—20.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Grayson, Bryant of Harris, Burnett, Caldwell, Carter, Constant, Curtis, Downing, Evans of McLennan, Fayle, Foster, Hamilton of Travis, Hunt, Johnson of Calhoun, Kealy, Kendal, Keuchler, Leib, Lindsay, Lippard, Mackey, McWashington, Mundine, Newcomb, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—47.

So the Convention refused to strike out the section granting pensions to disabled soldiers in the war.

Mr. Thomas, of Collin, moved to insert the word "may" instead of the word "shall," in first line.

Mr. Carter moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Mr. President, Bledsoe, Bryant of Harris, Carter, Constant, Curtis, Foster, Hunt, Johnson of Harrison, Keuchler, Lippard, Mundine, Munroe, Ruby, Slaughter, Smith of Marion, Whitmore, Williams—18.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Burnett, Caldwell, Cole, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Calhoun, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Mackey, McWashington, Morse, Muckleroy, Newcomb, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—51.

So the Convention refused to lay the amendment upon the table.

Upon motion, Mr. Glenn was indefinitely excused from attendance upon the Convention.

The question recurring upon the adoption of the amendment.

It was adopted.

The question recurring upon the adoption of section thirty as amended.

It was adopted.

Mr. Lindsay offered the following substitute for section thirty-one.

SECTION 31. Each county in the State shall provide in such manner as may be prescribed by law, a manual labor poor house, for taking care of, managing, employing, and supplying the wants of its indigent and poor inhabitants; and, under such regulations as the Legislature may direct, all persons committing petty offenses in the county, may be committed to such manual labor poor house for correction and employment.

The substitute was agreed to.

Upon motion, the substitute was adopted as section thirty-one.

Mr Caldwell offered the following amendment to section thirty-two:

Provided, however, That the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each house; and provided further, that the cause or causes shall be notified to such civil officers intended to be removed, and shall be admitted to a hearing in their own defence, before any vote for such address shall pass, and in all such cases the vote shall be taken by yeas and nays, and entered on the journals of each house respectively.

Amendment was not agreed to.

Mr. Ruby offered the following amendment:

Amend by inserting "may," instead of "shall," as seventh word of first line, in section thirty-two.

On motion, the amendment was laid upon the table.

Mr. Mundine moved to lay the section on the table.

Carried.

Mr. Lindsay moved to strike out section thirty-three.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bell, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Gaston, Grigsby, Hamilton of Travis, Harris, Johnson of Harrison, Johnson of Calhoun, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright—45.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of

Lamar, Bledsoe, Boyd, Cole, Evans of McLennan, Fleming, Foster, Goddin, Horne, Hunt, Jordan, Kealy, Keigwin, Lippard, Morse, Muckleroy, Mundine, Newcomb, Scott, Slaughter, Whitmore, Williams, Wilson of Milam, Yarborough—26.

So the section was struck out.

Mr. Board moved to strike out section thirty-four.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Brown, Bryant of Grayson, Burnett, Caldwell, Cole, Flanagan, W. Flanagan, Fleming, Gaston, Harris, Harn, Johnson of Calhoun, Keigwin, Kirk, Leib, Mills, Morse, Munroe, Phillips of Wharton, Posey, Stockbridge, Sumner, Varnell—27.

Nays—Messrs. President, Bell, Bledsoe, Bryant of Harris, Buffington, Butler, Carter, Curtis, Downing, Evans of McLennan, Fayle, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Lindsay, Lippard, Mackey, McCormick, McWashington, Muckleroy, Mundine, Newcomb, Phillips of San Augustine, Rogers, Ruby, Scott, Smith of Marion, Thomas, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—41.

So the Convention refused to strike out.

Mr. Carter offered the following substitute to section 34.

All persons living together and cohabiting as man and wife, shall be taken and held as lawfully married, to all intents and purposes, and the Legislature shall provide by law for the punishment of adultery and concubinage.

The question being upon the adoption of the substitute, it was not adopted.

Mr. Johnson, of Calhoun, offered the following amendment:

Strike out all except the words, "The Legislature shall provide by law for the punishment of adultery and concubinage."

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Downing, Evans of McLennan, Fayle, Fleming, Foster, Grigsby, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Leib, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Phillips of San Augustine, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Marion, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—44.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Caldwell, Cole, Flanagan, W. Flanagan, Gaston, Goddin, Harris, Harn, Horne, Johnson of Calhoun, Keigwin, Kirk, Lindsay, Mills, Morse, Muckleroy, Stockbridge, Sumner, Thomas, Varnell, Whitmore—24.

Mr. Phillips, of Wharton, offered the following substitute:

All freed people, who at any time heretofore, lived together as husband and wife, and continued so to live together until the death of one of them, shall be considered as having been legally married, and the children born of such marriage shall be considered as legitimate.

All freed people now living together as husband and wife, shall be considered as having been legally married, and the children heretofore, or hereafter, from such marriage, shall be considered as legitimate.

Mr. Newcomb moved the previous question upon the adoption of the original section.

Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Bledsoe, Brown, Bryant of Harris, Buffington, Butler, Curtis, Downing, Evans of McLennan, Foster, Goddin, Grigsby, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Mackey, Mills, Newcomb, Rogers, Ruby, Shuetze, Scott, Smith of Marion, Watrous, Whitmore, Williams, Yarborough—32.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Bryant of Grayson, Burnett, Caldwell, Carter, Cole, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Horne, Keigwin, Kirk, Leib, Lindsay, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Slaughter, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Wright—39.

So the main question was not ordered.

The question recurring upon the adoption of the substitute offered by Mr. Phillips of Wharton, the yeas and nays were demanded and resulted thus:

Messrs. President, Armstrong of Jasper, Bledsoe, Board, Brown, Bryant of Grayson, Buffington, Carter, Curtis, Downing, Evans of McLennan, Foster, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lippard, Morse, Ruby, Shuetze, Smith of Marion, Thomas, Varnell, Williams, Wright—33.

Nays—Messrs. Bell, Boyd, Bryant of Harris, Burnett, Caldwell, Cole, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Harn, Horne, Keigwin, Lindsay, McCormick, McWashington, Mills, Muckleroy, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Slaughter, Stockbridge, Sumner, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam—36.

So the Convention refused to adopt the substitute of Mr. Phillips, of Wharton.

On motion section thirty-four, amendment and substitute, were committed to the Committee on the Judiciary.

[Mr. Evans, of McLennan, in the Chair.]

Mr. Mundine offered the following substitute to section thirty-five:

The assessors and collectors of taxes for the several counties shall be elected in the manner and under such regulations as the Legislature may direct.

Mr. Butler moved to lay the substitute upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Butler, Fayle, Fleming, Grigsby, Johnson of Calhoun, Lindsay, Munroe, Newcomb, Patten, Phillips of Wharton, Shuetze—11.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Curtis, Downing, Evans of McLennan, Flanagan, W. Flanagan, Foster, Gaston, Goddin, Harris, Harn, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kuechler, Kirk, Leib, Lippard, McCormick, McWashington, Morse, Muckleroy, Mundine, Oaks, Phillips of San Augustine, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Wright—55.

So the Convention refused to lay the substitute upon the table.

The question recurring upon the adoption of the substitute, it was adopted.

Mr. Armstrong of Lamar offered the following substitute for the substitute:

Justices of the peace shall assess the property in their respective precincts, under such laws as shall be provided and enacted by the Legislature, and the sheriff of the several counties in this State shall collect the taxes so assessed.

The question recurred upon the adoption of the substitute for the substitute.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Buffington, Cole, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Harn, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Kirk, Leib, Lindsay, Lippard, McCormick, McWashington, Morse, Muckleroy, Newcomb, Oaks, Phillips of San Augustine, Phillips of Wharton, Ruby, Schuetze, Scott, Slaughter, Thomas, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—45.

Nays—Messrs. Brown, Bryant of Grayson, Burnett, Caldwell, Carter, Evans of McLennan, Harris, Johnson of Calhoun, Mackey, Mundine, Posey, Rogers, Smith of Galveston, Smith of Marion—14.

The Convention adopted the substitute for the substitute.

Mr. Thomas, of Collin, moved to insert the word "taxable" before the word "property."

Mr. Flanagan moved to lay the amendment upon the table.

Carried.

Mr. Lindsay moved to reconsider the vote adopting the substitute offered by Mr. Armstrong of Lamar to the substitute offered by Mr. Mundine for section thirty-five.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bryant of Grayson, Burnett, Caldwell, Carter, Lindsay, Mackey, Mundine, Posey, Rogers, Schuetze, Smith of Marion, Sumner, Vaughan—14.

Nays—Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Brown, Bryant of Harris, Buffington, Butler, Cole, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Kirk, Leib, Lippard, McCormick, McWashington, Morse, Muckleroy, Oaks, Patten, Pedigo, Phillips of San Augustine, Ruby, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—55.

So the Convention refused to reconsider.

The question recurred upon the adoption of the substitute for section 35, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Cole, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lippard, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Oaks, Pedigo, Phillips of San Augustine, Scott, Slaughter, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—52.

Nays—Messrs. President, Brown, Bryant of Grayson, Burnett, Caldwell, Carter, Lindsay, Mundine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Marion, Sumner, Talbot—16.

So the Convention adopted the substitute.

On motion, Mr. Grigsby was excused for the day.

Mr. Armstrong, of Jasper, moved to strike out section 36.

Mr. Evans, of Titus, upon motion, was excused.

Mr. Long, of Limestone, upon motion, was excused.

Mr. Caldwell moved a call of the House.

Call sustained.

Absentees—Messrs. Bell, Hamilton, of Travis, Newcomb, Patten and Whitmore.

Mr. Caldwell moved a suspension of the call of the House.

Call suspended.

Upon motion to strike out section 36, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Caldwell, Cole, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Harris, Harn, Horne, Johnson of Calhoun, Keigwin, Kirk, Leib, Mackey, Morse, Muckleroy, Munroe, Pedigo, Phillips of Wharton, Posey, Scott, Slaughter, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wright, Yarborough—39.

Nays—Messrs. President, Armstrong, of Lamar, Bledsoe, Bryant of Harris, Carter, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Hunt, Johnson of Harrison, Kendal, Kuechler, Lippard, McWashington, Mundine, Newcomb, Oaks, Phillips of San Augustine, Rogers, Ruby, Smith of Galveston, Smith of Marion, Watrous, Whitmore, Williams—28.

So the Convention struck out section 36.

Mr. Kirk moved to strike out section 37.

Lost.

Mr. Horne offered the following amendment:

And a list of blacks shall be kept separate from that of the whites.

On motion, the amendment was rejected.

The question recurred upon the adoption of section 37.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Evans of McLennan, Fayle, Fleming, Foster, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Kuechler, Leib, Lippard, Mackey, McWashington, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam—51.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Cole, Flanagan, W. Flanagan, Harris, Harn, Horne, Keigwin, Kirk, Morse, Muckleroy, Mundine, Thomas, Wright, Yarborough—37.

So section 37 was adopted.

Mr. Wright moved to strike out section 38.

It was struck out.

Mr. Sumner moved to strike out section 39.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Board, Boyd, Buffington, Caldwell, Cole, Flanagan, W. Flanagan, Fleming, Harris, Harn, Horne, Jordan, Kealy, Keigwin, Mackey, McCormick, Morse, Muckleroy, Mundine, Munroe, Scott, Slaughter, Stockbridge, Sumner, Varnell, Vaughan, Whitmore, Yarborough—29.

Nays—Messrs. President, Armstrong of Lamar, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Kendal, Kuechler, Leib, Lippard, McWashington, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Thomas, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—40.

So the Convention refused to strike out.

Mr. Caldwell offered the following amendment to section 39:

Insert after the word homicide, "or inflict a bodily injury upon any person."

Mr. Newcomb moved to lay the amendment upon the table.

Motion withdrawn.

Mr. Bryant, of Harris, moved to lay the amendment upon the table.

Carried.

Mr. Evans, of McLennan, moved to insert a comma after the word act.

Mr. McCormick offered the following amendment:

In second line strike out "legal representatives or creditors," and insert after heirs, "of his or her body."

The amendment was adopted.

Mr. Monroe offered the following amendment:

After the word homicide, line four, section 39, add:

"That the State shall be held responsible for all damages committed on person, life, or property, by mobs, vigilance committees or any unlawful assemblage, and the family of the person who may so killed shall be entitled to a pension from the State.

Mr. Board moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Brown, Buffington, Caldwell, Cole, Evans of McLennan, Flanagan, W. Flanagan, Fleming, Harris, Harn, Horne, Hunt, Kealy, Keigwin, Kirk, Mackey, McCormick, Mills, Morse, Muckleroy, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—40.

Nays—Messrs. Bledsoe, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Carter, Curtis, Downing, Fayle, Foster, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Keuchler, Leib, McWashington, Munroe, Newcomb, Oaks, Rogers, Ruby, Smith of Marion, Watrous, Williams—26.

So the Convention laid the amendment upon the table.

Mr. Sumner offered the following amendment:

In second line, immediately before the word "widow," insert the words "surviving husband."

The amendment was adopted.

Section thirty-nine as amended was adopted.

Mr. Armstrong, of Jasper, moved that sections 40, 41 and 42 be referred to the Judiciary Committee, with instructions to report tomorrow.

Carried.

On motion, the Convention adjourned until this afternoon at 4 o'clock.

AFTERNOON SESSION—FOUR O'CLOCK.

Roll called. Quorum present.

Mr. Burnett called up the resolution of the Committee on Federal Relations, with regard to the relinquishment of political jurisdiction over El Paso county, and moved to lay the report upon the table.

Carried.

RESOLUTION

Reported from Committee on Federal Relations, respecting the relinquishment by the State of political jurisdiction and right of public domain over El Paso county.

WHEREAS, The people of county of El Paso, in the State of Texas, and the county of Dona Ana, in the Territory of New Mexico, have petitioned the Congress of the United States to give them a Territorial Government; and,

WHEREAS, Owing to the geographical position of the aforesaid county of El Paso, it is inconvenient and unwise that it should be longer a part of the State of Texas; and,

WHEREAS, 2d, In the opinion of this Convention it would be better, both for the people of the State and for the people of the aforesaid counties, that such Territory should be formed; therefore,

Be it resolved by the people of Texas in Convention assembled, That the political jurisdiction over the said county of El Paso, and the right of "Public Domain" therein, is hereby relinquished to the United States of America; provided, that the said United States shall form a Territorial Government of which the county of El Paso shall be a part.

Mr. Burnett withdrew the motion to lay upon the table.

Mr. Evans, of McLennan, offered the following substitute:

A DECLARATION.

Be it declared by the Convention of the people of Texas:

SECTION 1. That the Governor of the State of Texas be, and he is hereby authorized and requested to open negotiations with the Government of the United States for cession by sale, on the part of the State of Texas, to the United States, of all that part of the territory of Texas north and west of a line from the northwest corner of Hardeman county to the mouth of the Pecos river; provided, that no cession or sale of said territory shall have effect until submitted to and approved by the Legislature of Texas; and provided, further, that the proceeds arising from any sale of said territory shall be applied to school purposes, and no other.

SEC. 2. That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the treasury of the State of Texas not otherwise appropriated, and placed subject to the warrant of the Governor, to enable him to carry out the provisions of this declaration.

SEC. 3. The Governor shall have the authority to appoint a commissioner or agent to assist him in the negotiation specified in section one of this declaration.

Mr. Mills moved the previous question.

Mr. Patten moved a called of the House.

Call sustained.

Absentees—Downing, Horne, Oaks, Posey, Pedigo, Schuetze, Vaughan, Slaughter, and Williams.

Mr. Slaughter was excused on account of sickness.

Mr. Bell moved a suspension of the call of the House.

Call suspended.

The question recurred, "shall the main question be now put?"

Main question ordered.

The question recurred upon the passage of the declaration.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong, of Lamar, Boyd, Brown, Buffington, Butler, Caldwell, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Harn, Johnson of Calhoun, Kealy, Kirk, Leib, Lindsay, McCormick, McWashington, Mills, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Watrous, Wilson of Brazoria, Wright—40.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Curtis, Degener, Evans of McLennan, Harris, Horne, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Lippard, Mackey, Morse, Munroe, Newcomb, Patten, Rogers, Schuetze, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—33.

Decision by the chair suspended, to permit the sense of the Convention being taken upon certain delegates voting.

The yeas and nays were demanded upon a motion to permit Mr. Butler to vote, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Boyd, Brown, Bryant of Harris, Buffington, Caldwell, Carter, Constant, Curtis, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Watrous, Wilson of Brazoria, Wright—50.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Burnett, Degener, Evans of McLennan, Hunt, Jordan, Keigwin, Lippard, Morse, Munroe, Newcomb, Patten, Rogers, Ruby, Talbot, Whitmore, Wilson of Milam, Yarborough—22.

So Mr. Butler was permitted to vote.

The yeas and nays were demanded upon the motion to permit Mr. Vaughan to vote, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Boyd, Brown, Bryant of Harris, Buffington, Caldwell, Carter, Constant, Curtis, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—51.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Burnett, Degener, Evans of McLennan, Harris, Hunt, Jordan, Keigwin, Kuechler, Lippard, Morse, Munroe, Newcomb, Patten, Rogers, Talbot, Wilson of Milam, Yarborough—22.

So Mr. Vaughan was permitted to vote.

The yeas and nays were demanded upon the motion to permit Messrs. Downing, Oaks and Williams to vote, and resulted thus:

Yeas—Messrs. President, Armstrong, of Jasper, Armstrong of Lamar, Bell, Bellinger, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Flanagan, Fleming, Gaston, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Leib, Lindsay, Lippard, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Varnell, Vaughan, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—66.

Nays—Messrs. Board, Fayle, W. Flanagan, Foster, Harn, Horne, Mills, Scott—8.

So the motion prevailed.

Upon the motion to finally adopt the resolution of the Committee on Federal Relations, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Boyd, Caldwell, Cole, Constant, Fayle, Fleming, Foster, Goddin, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Kealy, Kirk, Leib, Lindsay, McCormick, McWashington, Mills, Mundine, Pedigo, Phillips of Wharton, Posey, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Watrous, Wilson of Brazoria, Wright—32.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Burnett, Carter, Curtis, Degener, Evans of McLennan, Flanagan, W. Flanagan, Gaston, Harris, Hunt, Jordan, Keigwin, Kendal, Kuechler, Lippard, Mackey, Morse, Muckleroy, Munroe, Newcomb, Patten, Phillips of San Augustine, Rogers, Ruby, Schuetze, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—38.

So the Convention refused to adopt the resolution.

Mr. Burnett moved to reconsider the vote rejecting the report, and to lay the motion to reconsider upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Curtis, Degener, Downing, Evans of McLennan, Harris, Hunt, Johnson of Harrison, Jordan, Keigwin, Kendal, Kuechler, Leib, Lippard, Mackey, Morse, Muckleroy, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Rogers, Schuetze, Smith of Galveston, Talbot, Thomas, Whitmore, Williams, Wilson of Milam, Yarborough—41.

Nays—Messrs. Armstrong of Lamar, Boyd, Butler, Caldwell, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harn, Johnson of Calhoun, Kealy, Kirk, Lindsay, McCormick, McWashington, Mills, Mundine, Pedigo, Phillips of Wharton, Posey, Scott, Smith of Marion, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright—34.

So the Convention laid the motion to reconsider upon the table.

Mr. Caldwell asked leave of absence for Mr. McCormick until next Monday.

Carried.

Mr. Carter called up a declaration respecting certain land laying in what is called the "Memphis and El Paso Railroad Reserve."

Mr. Armstrong, of Lamar, offered the following substitute:

DECLARATION.

WHEREAS, on the 4th day of February, A. D. 1856, an act entitled an act to incorporate the Memphis, El Paso and Pacific Railroad Company was approved by the Governor; and, whereas, on the 25th day of August, 1856, the nineteenth section of said act was amended and approved by the Governor; and, whereas, by the said act and amendments aforesaid, a certain quantity of land per mile was to be granted to said Memphis, El Paso and Pacific Railroad Company, upon the express condition that the said company put in complete running order twenty miles of said road; and, whereas, a large quantity of certificates for land have been issued by the Commissioner of the General Land Office to said company, and many patents have been issued thereon; and whereas, it is believed by this Convention that said patents and certificates have been issued in violation of the express provisions of said act; therefore

Be it further resolved by this Convention, SECTION 1. That it shall be the duty of the Attorney General of the State of Texas to prosecute suits in any court in this State having competent jurisdiction, against said company, or any person or persons holding any of said certificates or patents, for the purpose of having the same canceled.

SEC. 2. *And be it further declared*, That all lands lying and situated in the said Memphis, El Paso and Pacific Railroad reserve shall not be subject to entry or location by any certificate or claim heretofore issued by the State; but the said lands lying in said reserve, shall be subject to settlement by actual settlers, in quantities not exceeding eighty acres.

SEC. 3. *And be it further declared*, That the Legislature shall, at its first session after the adoption of this Constitution, pass laws more clearly defining the rights of said pre-emption settlers on said lands.

SEC. 4. *And be it further declared*, That no person who has heretofore received a pre-emption or grant of land from the Republic or State of Texas shall be entitled to the benefits of this ordinance.

Mr. Wright moved that both declarations be referred to a special committee of three, with instructions to report to-morrow.

It was so referred.

Messrs. Burnett and Munroe were excused.

Mr. Flanagan moved to reconsider the vote referring the declarations to the special committee.

Carried.

Mr. Degener moved to make the committee five instead of three.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, Fleming, Gaston, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin. Kendal, Kuechler, Leib, Lindsay, Lippard, Mackey, McWashington, Morse, Muckleroy, Newcomb, Oaks, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—55.

Nays—Messrs. Bell, Bryant of Harris. Caldwell, W. Flanagan, Foster, Hamilton of Travis, Harris, Harn, McCormick, Mundine, Pedigo, Posey—12.

So the motion prevailed.

The President announced the following gentlemen as the committee:

Messrs. Wright, Flanagan, Armstrong, of Jasper, Carter and Fleming.

Mr. Bryant, of Grayson, offered the following resolution:

Be it resolved, That from and after this day, both the morning and evening sessions of this Convention shall be devoted exclusively to the formation of a Constitution.

Mr. Flanagan moved to reject the resolution.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Armstrong of Jasper, Bell, Buffington, Caldwell, Carter, Cole, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming. Foster, Gaston, Goddin, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Harrison, Jordan, Kuechler, McCormick, Morse, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Wilson of Brazoria—33.

Nays—Messrs. President, Armstrong of Lamar, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Constant, Curtis, Degener, Downing, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Mackey, McWashington, Muckleroy, Newcomb, Oaks, Posey, Rogers, Ruby, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Williams, Wright, Yarborough—36.

So the Convention refused to reject.

Mr. Sumner moved that the rules be suspended to take up resolution.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Constant, Curtis, Downing, Evans of McLennan, Johnson of Harrison, Kealy, Keigwin, Kendal, Leib, Lindsay, Lippard, Mackey, McWashington, Newcomb, Oaks, Rogers, Ruby, Sumner, Talbot, Thomas, Vaughan, Whitmore, Williams, Wilson of Milam, Yarborough—31.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Brown, Buffington, Caldwell, Carter, Cole, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Harn, Hunt, Jordan, Kuechler, Kirk, McCormick, Morse, Mundine, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Wilson of Brazoria—34.

So the Convention refused to suspend the rules.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
August 18, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Fleming, from the Committee on Counties and County Boundaries, made the following report:

COMMITTEE ROOM,
August 17, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a memorial from certain citizens of Polk, Montgomery, Walker and Liberty counties, praying that a new county to be called the county of San Jacinto, be erected out of portions of the counties of Polk, Liberty, Montgomery and Walker, have had the same under consideration, and a majority of the committee believing that the proposed new county ought to be established, and that it is necessary to the convenience of the people, that it should be established, herewith report to the Convention the accompanying declaration and ask its adoption by the Convention.

Your Committee would state that the only objection urged from any quarter to said new counties, comes from their chairman, who refuses to assent to this report for the reason, that being the representative in this Convention of Liberty county, he is unwilling to consent to the partition of that county without some assurance that the citizens thereof assent to its partition.

All of which is respectfully submitted.

WM. H. FLEMING,
JACOB KUECHLER,
For the majority of the Committee.

Mr. Whitmore, from the Committee on General Provisions, made the following reports:

COMMITTEE ROOM,
Austin, August 17, 1868.

Hon. E. J. DAVIS,
President of the Convention

SIR: Your committee have had under consideration a resolution offered by Mr. Phillips, of Wharton, presented 10th of August, 1868, requiring the Legislature to pass certain laws in relation to the indebtedness of counties, towns, and corporations, have had the same under consideration and request me to report the same, and ask that it pass.

G. W. WHITMORE,
Chairman.

COMMITTEE ROOM,
Austin, August 17, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your committee have had a declaration under consideration, offered by Mr. Wilson, of Brazoria, requiring the first Legislature, after the adoption of this Constitution, to levy a special road tax upon property, to build bridges and improve public roads, have had the same under consideration, and request me to report the same back and ask its passage.

G. W. WHITMORE,
Chairman.

Mr. Lindsay, from the Committee on Judiciary, made the following reports:

COMMITTEE ROOM,
August 18, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on the Judiciary beg leave to report favorably on a resolution in reference to making a section embodied in said resolution, introduced by Mr. Foster, of Colorado, in reference to mechanics' liens, a section in the Constitution; and they recommend that said section be made a section of the General Provisions of the Constitution.

Respectfully,
L. LINDSAY,
Chairman, *pro tem.*

RESOLUTION.

Resolved that the following shall be a section of the Constitution.

SECTION —. Mechanics shall have a lien upon all articles of manufacture of every description made or repaired by them, for or on account of any other person, for the reasonable and proper charges which may be due them for said making or repairing, and for materials furnished, and in addition to the right to retain possession of said articles, until charges due thereon are paid, shall have power and authority to sell any such articles at public auction, and appropriate the proceeds of said sale to the payment of said charges in all cases where said articles are suffered to remain with said mechanic for more than twenty days after said mechanic has given notice to the owner, or person, for or on account of whom said articles were made or repaired, of the fact that said article is ready to be delivered upon the payment of charges, and the Legislature, at its first session, shall pass such law or laws as may be necessary to carry out the provisions of this section.

FOSTER,
Of Colorado County.

The Judiciary Committee, to whom was referred the following sections of the report of the Committee on General Provisions, (34, 40. 41, and 42,) report as follows thereon:

SEC. 34. All persons who are now living together, and cohabiting as man and wife, shall be taken and held as lawfully married, to all intents and purposes; and their issue, and the issue of those who have heretofore cohabited and lived together as husband and wife, shall be taken and held as legitimate; and the Legislature shall provide by law for the punishment of adultery and concubinage.

SEC. 40. Limitations may be fixed by law to the recovery of obligations for the payment of money or property; provided, the party pleading limitation shall first make affidavit that the demand has already been paid.

SEC. 41. No limitation to the recovery of parol obligations for money or personal property, shall be interposed by statute under four years, or of written contracts under seven years from maturity.

SEC. 42. The right of parties to the recovery of land in the possession of adverse claimants, shall not be barred under fourteen years, and when the occupant is without title, legal or equitable, no limit to the recovery of the rightful owner shall be interposed.

To the Hon. E. J. Davis,
President of the Constitutional Convention of the State of Texas:

SIR: The Judiciary Committee, to whom was referred sections thirty-four, forty, forty-one and forty-two of the report of the Committee on General Provisions, after due consideration of the several subjects involved in those sections, beg leave to make the following report:

In regard to section thirty four, they deem it both impolitic and unwise to adopt it in the form in which it was presented. Instead of promoting public and private morality, it would give a public sanction to dissoluteness, and encourage licentiousness, rather than put a wholesome restraint upon it. The toleration, by any act of public authority, of an irregular and illegal mode of living, especially among the opposite sexes, is always followed by most disastrous consequences to society. The public authority in every social system should studiously avoid even an apparent connivance at so pernicious an example.

But, from the peculiar condition, but recently existing, of a very large portion of our present citizenship, who, from no fault of their own, were compelled to live in this irregular manner, some relief is called for to repair an evil which was imposed upon them by a state of force, and which was anavoidable without the possession of virtues which do not commonly fall to the lot of humanity. The past wrong and mischief should be repaired as far as practicable; and the whole civil polity of the State starting on a new career of morality and virtue, as we hope, from the adoption of this Constitution, some provision should be engrafted upon it, to absolve that class of our citizens from the evil consequences of their former forced and abnormal relations. For this purpose, the committee recommend the adoption of the following, as a substitute for section thirty-four:

SECTION —. All persons who at any time heretofore lived together as husband and wife, and both of whom, by the law of bondage, were precluded from the rights of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married; and the issue of such cohabitation shall be deemed legitimate. And all such persons as may be now living together in such relations shall be considered as having been legally married, and the children heretofore, or hereafter, born of such cohabitations shall be deemed legitimate.

The committee are of the opinion that the subject embraced in sections forty, forty-one and forty-two is properly, and ought to be exclusively, of legislative cognizance. It is altogether a question of State policy, and the policy of States necessarily changes with the varying condition of the circumstances in the history of governments, and their powers on such subjects ought not to be trammelled on by an inexorable organic law. For these reasons they recommend that each of those sections be stricken out.

All of which is respectfully submitted,

L. LINDSAY,
Chairman, *pro tem.*

Mr. Butler introduced a report from the Committee on Penitentiary, and asked that the reading be dispensed with, and printed.

Report withdrawn.

Mr. Whitmore offered the following

RESOLUTION,

Requesting Major General Reynolds to create a new judicial district out of the Ninth and Fifteenth Judicial Districts of Texas.

WHEREAS, The necessities and conveniences of the people of the Ninth and Fifteenth Judicial Districts of Texas demand special terms of the District Court which cannot be held by the judge thereof, as the regular terms of said court (as the districts are now constituted) require the official and regular services of said judges nearly the whole of the year; therefore, with the view of meeting meeting the wants of the people in this behalf,

Be it resolved by the delegates of the people of Texas in Convention assembled, That Brevet Major General J. J. Reynolds, commanding the Fifth Military District, comprising the State of Texas, be and he is hereby respectfully requested to subdivide the Ninth and Fifteenth Judicial Districts of the State of Texas, and from said districts create a new judicial district, as follows, to wit:

Houston, Nacogdoches and Anderson counties, from the Ninth Judicial District, and Trinity and Angelina, from the Fifteenth District, to be called the Eighteenth Judicial District of Texas; and appoint a judge and district attorney for said district; and authorize and require said judge to hold one or more special terms (at least one) of the District Court in each of said counties in each year, as he may direct; and that in case any of the courts of the proposed new district conflict with each other, that the judge be authorized and required to postpone the regular term of the court of such of said counties as may conflict, as he may direct.

Resolved, That a copy of this resolution, signed by the President and Secretary of this Convention, be forwarded to Major General Reynolds, through the office of His Excellency E. M. Pease, Provisional Governor of Texas.

Mr. Munroe asked that the rules be suspended to take up declaration.

Rules not suspended.

Mr. Degener asked leave to introduce the following report from the special committee appointed to consider the railroad subjects before the Convention:

REPORT OF THE SELECT COMMITTEE ON RAILROADS.

COMMITTEE ROOM,
August 18, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: Your select committee, to whom was referred all matter appertaining to the sale of certain railroads, which are indebted to the school fund of this State, have duly considered the documents referred to them, and a majority of the committee has instructed me to report the following preamble and resolution.

All of which is most respectfully submitted.

E. DEGENER,
Chairman.

WHEREAS, Certain railroads in the State of Texas are indebted to the school fund of Texas for money borrowed therefrom, under the act of the Legislature of Texas of the —— day of ——, 1856, commonly called the loan bill, and for the payment of which the State, as trustee, holds a first mortgage upon the roads, etc., with power of sale,

Be it declared, That the Governor of the State of Texas be and and he is hereby authorized and required to collect said indebtedness from each of said roads, by selling the same, if necessary, according to the provisions of the law under which said money was loaned: provided, that whatever amounts may be claimed to have been paid by said roads in Texas treasury warrants, created for the purpose of carrying on war against the United States, shall not be deemed payments, unless so decided by the Supreme Court of Texas, upon a writ of injunction to be sued out by the company or companies from whom such credits are now exacted; and provided further, that if no bidder at the sale of said roads shall bid a sum equal to the full amount which said road shall owe the State, less the credit claimed by said company on account of so-called payments in treasury warrants, and take the road subject to the lien that may exist, if the Supreme Court of Texas should decide said pretended payments in treasury warrants to have been null and void, then the Governor shall buy the same on account of the State, and may resell the same, either at private or public sale, if he is offered the sum of indebtedness in coin, or its equivalent in United States currency, of each of said roads, except the Houston Tap and Brazoria Railroad, which he may resell for the largest sum he may get.

Mr. Goddin moved that Mr. Armstrong of Lamar be added to Committee on Counties and County Boundaries.

The President announced the following communication from his excellency E. M. Pease, respecting the Penitentiary, and ordered it to be read:

EXECUTIVE OFFICE,
Austin, Texas, August 18, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: I beg leave to call the attention of the Convention to the propriety of passing an ordinance authorizing the Provisional Governor, with the approval of the Commanding General of the Fifth Military District, to lease the State Penitentiary, with the labor of the convicts, for a term of years.

The Penitentiary went into operation about the first of January, 1849, and up to the present time there has been paid from the State Treasury, for its construction and support, the sum of three hundred and fifty-five thousand seven hundred and twenty-six dollars and twenty-five cents, and there are estimated to be debts outstanding against the institution to the amount of about fifty thousand dollars. During a large portion of this time the number of convicts did not exceed one hundred and fifty, but they now number about three hundred and sixty, and are increasing.

No money has ever been paid into the State Treasury from the labor of the convicts, with the exception of some Confederate money received in payment for goods manufactured during the rebellion, which was paid in at a time when it was almost valueless.

During the rebellion, when cotton and wool could be bought at nominal prices, and manufactured goods were sold at almost fabulous prices, the Penitentiary was mainly supported with the earnings from the labor of the convicts in making cotton and woolen goods, and a considerable stock of cotton and wool was accumulated which was turned over to the financial agent appointed by Governor Hamilton.

During the time of Governor Hamilton's Provisional Government, manufactured goods sold readily at high prices, and the Penitentiary made money; and when it was turned over, about the fourth of September, 1866, to the financial agent appointed by Governor Throckmorton, there was on hand a stock of goods, materials and money, amounting to about eighty thousand dollars in specie, over and above all outstanding debts.

This agent continued to manage its affairs until about the 3d of January, 1868, a period of sixteen months, when it was turned over to the present financial agent, with only about nineteen hundred dollars worth of goods, very few materials, and no money, with debts outstanding supposed to be not far from forty thousand dollars in specie. Having used in its management, during this period, about one hundred and twenty thousand dollars, in goods, materials, money and credits, of specie value, besides the labor of the convicts.

The present financial agent was appointed on the 4th of November, 1868, but owing to the epidemic then prevailing at Huntsville, he was not able to qualify and enter upon his duties until about the 3d of January, 1868. His administration has been embarrassed for want of means, having, as before stated, but about nineteen hundred dollars worth of goods, very few materials, and no money on hand when he commenced, and having had to pay about four thousand dollars for machinery, that had been ordered but not paid for by his predecessor.

The Penitentiary continued to manufacture goods at a small profit until about the 5th of June last, when the price of cotton became so high that no profit could be made from the manufacture of the style of cotton goods for which the machinery was adapted, and the factory was stopped. Since that time, besides carrying on the various workshops, a large number of the convicts have been employed in making brick for the purpose of putting up additional buildings and cells which are needed for the accommodation of the present increased number of convicts.

There has been drawn from the State Treasury for the support of the Penitentiary, since the 1st of January, 1868, about the sum of fourteen thousand dollars, in currency, and it will probably require an additional amount of about twenty thousand dollars, in currency, for its support until the 1st of October next.

The trial that was made under the administration of my predecessor to employ a portion of the convicts upon railroads was not successful. The contractors failed to make the payments due under their contracts after a few months. Quite a number of the convicts thus employed made their escape, and many were killed and wounded in trying to escape. These results induced an abandonment of the project, and the convicts were returned to the Penitentiary.

The machinery now at the Penitentiary is not sufficient to employ much more than half of the convicts that are now under sentence, and the small profit made in manufacturing goods since the 3d of September, 1866, does not seem to warrant a continuance of the business by the State.

It is, however, believed that under the management of individuals, who might procure other machinery suitable to different manufactures, in addition to those now carried on, and who could manage such business with more skill and economy than it can be by the State, a considerable profit might be made from the labor of the convicts. They could, at least, save the commissions and charges heretofore paid to agents on the sale of the goods, by doing this business themselves, and this alone would afford them a handsome profit.

I have every reason to believe that if a lease of the Penitentiary, with the labor of the convicts, were offered to the highest and best bidder, for a term of not less than five, nor more than ten years, under the conditions and limitations contained in the ordinance herewith submitted for your consideration, persons would take this lease and undertake to pay all the expenses of the institution, and perhaps something more. By making such a lease the State would be doing better than it has done under the management of the institution through its own agents and officers; and I respectfully recommend that the experiment be tried.

E. M. PEASE.

DECLARATION.

A Declaration authorizing the Governor to lease the State Penitentiary.

SECTION 1. It is hereby declared by the people of Texas in Convention assembled, That the Provisional Governor of the State is hereby authorized and required to lease the State Penitentiary, with the labor of the convicts, for a term of not less than five years, nor more than ten years, upon the conditions and limitations hereinafter named.

The Penitentiary shall continue to be managed according to the present or future laws of the State, except that the office and duties of the financial agent, his book-keeper and clerk, shall be dispensed with; and except, also, that the lessee or lessees shall have the right to direct what particular kind of labor the convicts shall be employed in, but they shall not employ such labor at any other place than the Penitentiary. The lessee or lessees shall furnish everything that is necessary for the support and maintenance of the Penitentiary and convicts therein imprisoned, including the salaries of the officers and employes, which shall be paid quarterly, and the amount required to be paid to convicts on their discharge. They shall, also, keep the buildings in good repair, and shall construct such additional buildings and cells as in the opinion of the directors and superintendent may be necessary for the accommodation of the officers, employes and convicts, which shall be of durable materials, similar in style, and equal in quantity to the present buildings and cells; and they may, with the approval of the directors, erect such other walls and buildings, and make such changes and alterations in the present machinery, and procure such other machinery as they may deem necessary for the profitable employment of the convicts.

The lessee or lessees shall have the use of all lands, buildings, machinery, tools and other property belonging to the Penitentiary, which are destined or used for the labor of the convicts, subject, however, to all laws that have been, or may hereafter be enacted for the government and police of the Penitentiary. They shall have the right to introduce into the Penitentiary such skilled labor as they may think necessary to direct the labor of the convicts, and give efficiency thereto. An inventory and valuation of the materials, machinery and property of every description, now belonging to the Penitentiary, except the land and buildings, shall be made by appraisers, one of whom shall be appointed by the Governor, and the other by the lessee or lessees, with the right on the part of said appraisers to appoint an umpire, in case they cannot agree; which property shall be receipted for by the lessee or lessees at its valuation. At the expiration of the lease, a like inventory and valuation shall be made in the same manner of all the materials, machinery and property of every description then in use at the Penitentiary, including all new walls, buildings and cells that may have been constructed by the lessee or lessees under the sanction of the directors, but excluding the land and present buildings. At the expiration of the lease the lessee or lessees shall be bound to have all the walls, buildings and machinery in good repair, and shall deliver them to the State in that condition, and the State shall be bound to pay them whatever excess there may be in the valuation of the materials, machinery and property, including any new walls, buildings and cells erected by them, which they may deliver to the State, over and above the value of the property received from the State at the commencement of their lease. Whatever amount the lessee or lessees may agree to pay the State for said lease beyond the obligations herein required of them, shall be promptly paid according to the terms of the agreement.

The lessee or lessees shall be required to execute and deliver to the Governor a bond, with security, to be approved by him, payable to the State of Texas, in the sum of fifty thousand dollars, conditioned for the faithful performance of the terms of their lease.

The State of Texas, by the. Governor or Legislature, shall have the right to terminate said lease, if at any time the lessee or lessees shall fail to comply with their obligations under the same.

SEC. 2. The Commanding General of the Fifth Military District is requested to approve this declaration, and to authorize the Penitentiary to be leased in accordance therewith; and the Governor shall be empowered to insert such other terms in the contract as he may deem of interest to the State, which shall conflict with the rules herein provided.

Mr. Caldwell moved that the communication and declaration be referred to a select committee of five, with instructions to report immediately.

The President appointed Messrs. Caldwell, Butler, Patten, Burnett and Ruby as the Committee called for by the resolution.

The President announced the business in order was upon the report* of the Committee on General Provisions.

Mr. Buffington moved that the report of the Committee on Judiciary on section thirty-four be considered.

Carried.

Mr. Wright moved the adoption of section thirty-four as reported from the committee.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Evans of McLennan, Flanagan, W. Flanagan, Fayle, Fleming, Foster, Grigsby, Hamilton of Travis, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Leib, Lindsay, Mackey, McCormick, McWashington, Mills, Morse, Muckleroy, Mundine, Munroe, Newcomb, Oaks, Pedigo, Phillips of San Augustine, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—66.

Nays—Messrs. President, Harris, Harn, Kirk—4.

So the substitute was agreed to.

Mr. Newcomb offered the following amendment:

"And enabling all children born out of wedlock to inherit a just proportion of the property of their fathers and mothers, also compelling the parents of such children provide for their support and education until of age."

Mr. Burnett moved the previous question upon the adoption of

For report see page 236.

the substitute for section thirty-four, as reported by the Committee on Judiciary.

Previous question seconded.

The question recurring: "Shall the main question be now put?" the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Bryant of Grayson, Buffington, Butler, Burnett, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Slaughter, Stockbridge, Talbot, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—47.

Nays—Messrs. President, Armstrong of Lamar, Brown, Bryant of Harris, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Lippard, Long, Newcomb, Oaks, Patten, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Thomas, Watrous, Williams, Yarborough—29.

So the main question was ordered.

The question recurring upon the adoption of section thirty-four, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Brown, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips, of Wharton, Posey, Rogers, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—54.

Nays—Messrs. President, Bledsoe, Bryant of Harris, Butler, Curtis, Degener, Downing, Harris, Hunt, Johnson of Harrison, Jordan, Kendal, Kuechler, Lippard, Long, Newcomb, Oaks, Patten, Ruby, Schuetze, Smith of Marion, Williams, Yarborough—23.

So the substitute, as reported from the Judiciary Committee, was adopted as section thirty-four of the General Provisions.

Mr. Flanagan moved the adoption of the report of the Judiciary Committee upon sections forty, forty-one and forty-two.

Carried.

Mr. Hamilton, of Travis, moved to strike out section forty-three.

Mr. Schuetze moved a call of the House.

Call sustained.

Mr. Caldwell moved a suspension of the call.

Carried.

Mr. Caldwell asked leave of absence for Mr. Mills, indefinitely.

Leave granted.

The question recurred upon the motion to strike out section forty-three.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Jordan, Kendal, Leib, Lindsay, Lippard, McCormick, McWashingion, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips of Wharton, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—48.

Nays—Messrs. Armstrong of Lamar, Bell, Board, Boyd, Brown, Cole, Degener, Fleming, Harris, Horne, Johnson of Calhoun, Kealy, Keigwin, Kuechler, Kirk, Long, Mackey, Morse, Muckleroy, Phillips of San Augustine, Schuetze, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Milam—26.

So the section was struck out.

Mr. Shuetze offered the following as a new section.

No member of the Legislature who is a minister of the gospel shall have a vote in ecclesiastical matters, touching the rights, privileges, or views of any particular sect or denomination, or the rights of conscience in matters of religion.

Mr. Flanagan moved to lay the section upon the the table.

Mr. Shuetze moved a call of the House.

Call sustained.

On motion the Convention adjourned until four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. Cole, under the rules, called up the resolution requesting Major General J. J. Reynolds to subdivide the Ninth and Fifteenth Judicial Districts, and create the Eighteenth Judicial District.

Mr. Armstrong, of Jasper, moved to lay the resolution upon the table.

Upon which the yeas and nays were called, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Board, Boyd, Cole, Constant, Flanagan, W. Flanagan, Harris, Harn, Horne, Keigwin, Kirk, Morse, Muckleroy, Posey, Wilson of Milam, Yarborough—18.

Nays—Messrs. President, Armstrong of Lamar, Bell, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Evans of McLennan, Fayle, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—61.

So the Convention refused to lay the resolution upon the table.

The question recurred upon the adoption of the resolution:

It was adopted.

Mr. Slaughter moved a suspension of rules to put resolution upon its final passage.

Rules suspended.

Resolution read third time, and passed.

Mr. Caldwell called up the report of the select Committee on Railroads.

Mr. Caldwell offered the original report of the Committee on Internal Improvements, as a substitute to the report of the select committee.

Mr. Flanagan moved to adjourn until eight o'clock, this evening.

Mr. Degener moved to make the report the special order for to-morrow afternoon.

Carried.

On motion the Convention adjourned until to-morrow morning, at nine o'clock.

CAPITOL, AUSTIN. TEXAS,
August 19, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Pedigo, Chairman of the Committee on Counties and County Boundaries, made the following report:

COMMITTEE ROOM,
Austin, Texas, August 18, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a memorial from certain citizens of Wood, Hopkins, Hunt and Van Zandt counties, praying the establishment of a new county, to be called the county of Raines. out of portions of the territory of said counties of Wood, Hopkins, Hunt and Van Zandt, have had the same under consideration, and a majority of the committee have instructed me to report the accompanying declaration creating the county of Raines, to the Convention, and recommend its adoption.

All of which is respectfully submitted.

H. C. PEDIGO,
Chairman.

Mr. McCormick, from the Committee on Contingent Expenses, offered the following report and accompanying declaration:

COMMITTEE ROOM,
Austin, August 19, 1868.

To the Hon. E. J. DAVIS,
President of the Constitutional Convention:

SIR: The Committee on Contingent Expenses have instructed me to report the accompanying resolution, asking the Commander of the Fifth Military District to approve that part of the declaration heretofore passed by the Convention, making an appropriation of one hundred and twenty-five thousand dollars for the expenses of the Convention, which failed to secure the approval of the commander of said district when said declaration was passed.

The committee are informed that so much of the appropriation that was so approved is already exhausted, and that the balance of said appropriation, to-wit, the sum of twenty-five thousand dollars, will be sufficient to meet the expenses of the present session of the Convention.

The committee therefore respectfully recommend the passage of the accompanying resolution.

A. P. McCORMICK.

WHEREAS, The declaration passed the Convention on the ——— day of June, 1868, making an appropriation of the sum of one hundred and twenty-five thousand dollars for the per diem pay and mileage of the members of the Convention, and for the per diem pay of the officers, and for the printing and contingent expenses of the Convention, was only approved to the extent of one hundred thousand dollars by the Commander of the Fifth Military District; and

WHEREAS, The said sum of one hundred thousand dollars is exhausted, and the labors of the Convention are not yet completed; therefore,

Be it resolved by the delegates of the people of Texas in Convention assembled, That the Commander of the Fifth Military District be and he is hereby, respectfully requested to make his order approving the remainder of said appropriation, and authorizing the Comptroller to draw upon the Treasurer for said balance of twenty-five thousand dollars, or so much thereof as may be necessary, to meet the per diem pay and mileage of the members, and the printing and contingent expenses of the Convention, in the same manner and on the same terms as to vouchers, on which the one hundred thousand dollars was ordered to be paid.

Mr. McCormick moved a suspension of the rules for consideration of the resolution.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Caldwell, Carter, Constant, Curtis, Downing, Fayle, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Kirk, Lindsay, Lippard, Mackey, McCormick, McWashington, Mundine, Munroe, Pedigo, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—55.

Nays—Messrs. President, Bledsoe, Cole, Degener, Gaston, Harn, Long, Morse, Muckleroy, Newcomb, Oaks, Patten, Thomas, Whitmore, Yarborough—15.

So the rules were suspended.

Resolution read second time and agreed to.

Mr. Smith of Galveston moved that the rules be further suspended to put resolution on its passage.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Butler, Burnett, Caldwell, Carter, Constant, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Kendal, Keuchler, Kirk, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Pedigo, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Williams, Wilson of Milam, Wright—54.

Nays—Messrs. President, Armstrong of Jasper, Bryant of Harris, Cole, Degener, Evans of McLennan, Gaston, Leiō, Morse, Muckleroy, Newcomb, Oaks, Patten, Smith of Marion, Sumner, Thomas, Whitmore, Yarborough—18.

So the Convention refused to suspend the rules, four-fifths not voting in the affirmative.

Mr. Hunt, from the Committee, made the following report, with accompanying declaration:

COMMITTEE ROOM,
Austin, August 18, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on State Affairs, to whom was referred a declaration offered by Mr. Armstrong of Jasper, asking for the relinquishment of the State tax of Jefferson county for the year 1868, for the purpose of repairing the courthouse of said county, have had the same under consideration, and from the facts presented believe the relief sought should be granted, and to this end report the accompanying substitute in place of the original declaration, and ask that it be adopted.

H. C. HUNT,
Chairman pro tem.

A DECLARATION

Relinquishing the ad valorem State tax of the county of Jefferson for the year 1868.

SECTION 1. *Be it declared by the people of Texas in Convention assembled*, That Brevet Major General J. J. Reynolds, Commanding the Fifth Military District, be, and he is hereby requested to relinquish to the county of Jefferson eight hundred and twenty-one dollars and sixty-nine cents, the same being the ad valorem tax of said county, assessed for the year 1868, to be used in repairing the courthouse of said county, recently damaged by lightning.

Mr. Armstrong, of Jasper, moved a suspension of the rules for the consideration of this declaration.

Upon which the yeas and nays were demanded ane resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Brown, Buffington, Burnett, Caldwell, Carter, Constant, Degener, Downing, Evans of McLennan, Fayle, Flanagan, Fostér, Gaston, Goddin, Grigsby, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Muckleroy, Mundine, Newcomb, Oaks, Patten, Pedigo, Phillips of San Augustine, Posey, Schuetze, Scott, Slaughter, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—58.

Nays—Messrs. President, Bryant of Harris, Curtis, Fleming, Harris, Rogers, Ruby, Sumner, Yarborough—9.

Rules suspended.

Resolution read and agreed to.

Upon motion, the rules were further suspended.

Resolution read and adopted.

Mr. Caldwell, from the special committee to whom was referred a communication and declaration of Governor E. M. Pease,* respecting the State Penitentiary, made the following majority report:

Hon. E. J. DAVIS,
President of Convention:

The special committee to whom was referred the Governor's message touching the Penitentiary, have instructed me to report the declaration accompanying the message back to the House, and recommend its passage, with the following amendment:

---

*For communication and declaration see yesterday's proceedings.

CALDWELL,
Chairman.

That the first clause of the declaration shall read as follows:

That the Provisional Governor of the State is hereby authorized and required, without unnecessary delay, to lease the State Penitentiary. with the labor of the convicts, for a period of not less than five nor more than ten years, to any suitable person or persons who may be competent to hold office under the Fourteenth Amendment of the Constitution of the United States; the said lease to be upon the conditions and liabilities hereinafter named.

CALDWELL,
Chairman.

Mr. Burnett made the following minority report:

Austin, Texas, August 19, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The undersigned, one of the special committee to which was referred the Governor's message in reference to the leasing of the State Penitentiary, while he is favorable to the passage of the ordinance or declaration proposed by his Excellency, yet opposed in the committee, and now dissents from the amendment proposed by the committee to the effect that persons who may not be competent to hold office under the Fourteenth Amendment of the Constitution of the United States, shall be precluded from bidding for the lease.

I regard the matter of the lease as a question simply of business and individual enterprise, and doubt the justice or propriety of restricting competition to those who are not registered voters. I do not believe that it was contemplated by the adoption of the Fourteenth Amendment that the disabilities imposed should impair or affect the social or business relations of the citizen, but solely the political rights of those who came within its provisions.

The lessee or lessees would, of course, be bound to comply with the terms of the lease in their spirit and letter, and if this were done, it would seem to be a matter of little consequence whether he or they were not competent to hold office, especially when it is remembered that the disabilities imposed by the Fourteenth Amendment are hoped to be only temporary. Again, the Governor did not see fit to recommend that the bidders should be thus restricted, and it is well known that there are many loyal men in our State who are precluded from holding office, as the report of the Committee on Political Disabilities will bear witness.

I therefore respectfully recommend that the proposed amendment be not agreed to, and that the ordinance or declaration as it stands be adopted.

Very respectfully,
JAMES R. BURNETT.

Mr. Caldwell moved a suspension of the rules to take up declaration.

The Convention refused to suspend the rules.

Mr. Smith, of Galveston, offered the following resolution:

Resolved, That henceforth, until this Convention may take recess, it shall not be in order for more than one speech to be made on each side of any main question; and all other speeches shall be limited to five minutes, and hereafter the yeas and nays shall not be called except on the main question.

Mr. Smith moved that the rules be suspended for consideration of the resolution.

The Convention refused to suspend the rules.

Mr. Kirk offered the following

DECLARATION.

A resolution requesting the Commanding Officer of this district to order the relinquishment of the State tax assessed for the year A. D. 1868, in the county of Erath, to said county, for the purpose of supplying all the records of said county, which were recently destroyed by fire.

Be it ordained and declared by the people of Texas in Convention assembled:

That Brevet Major-General J. J. Reynolds, commanding the Fifth Military District, be respectfully requested to order the relinquishment, to the county of Erath, of the State tax assessed in said county for the present year A. D. 1868, for the purpose of supplying all the records of said county recently destroyed by fire.

Referred to the Committee on State Affairs.

Mr. Patten offered the following resolution:

Resolved, That this Convention take a recess from Saturday, twenty-second of August, at twelve o'clock, to first Monday in January next.

Mr. Patten moved that the rules be suspended for consideration of the resolution.

The Convention refused to suspend the rules.

Mr. Armstrong of Lamar offered the following resolution:

Resolved, That all reports and resolutions hereafter made or offered shall be presented to the Convention at its afternoon session, and that after the reading of the journals, each morning, the Convention shall proceed at once to the consideration of the business of forming a constitution.

Mr. Burnett moved that the rules be suspended to take up the resolution.

Rules suspended.

The question recurred upon the adoption of the resolution.

It was adopted.

The President announced that the business in order was the report of the Committee on General Provisions,* and upon the question to lay the substitute of Mr. Schuetze to section forty-three upon the table.

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bledsoe, Board, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Constant, Fayle, Flanagan, W. Flanagan, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Jordan, Kendal, Leib, Lindsay, Lippard, McCormick, McWashington, Muckleroy, Munroe, Newcomb, Oaks, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—42.

Nays—Messrs. Armstrong of Jasper, Bell, Boyd, Brown, Bryant of Grayson, Cole, Degener, Downing, Evans of McLennan, Fleming, Foster, Gaston, Harris, Horne, Johnson of Calhoun, Kealy, Keigwin, Kuechler, Long, Mackey, Morse, Mundine, Phillips of San Augustine, Stockbridge, Varnell, Wilson of Milam, Yarborough—27.

So the substitute was laid upon the table.

Mr. Bryant of Grayson offered the following substitute for section forty-three:

---

* For report, see page 236.

No minister of the Gospel, or priest of any denomination whatever, who accepts a seat in the Legislature as Representative, shall, after such acceptance, be allowed to claim exemption from military service, road duty, or serving on juries by reason of his said profession.

Mr. Flanagan moved to lay the substitute upon the table.

Motion withdrawn..

Mr. Smith of Galveston moved to lay the substitute upon the table.

The Convention refused to lay the substitute upon the table.

The question recurred upon the adoption of the substitute for section forty-three.

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Cole, Degener, Downing, Fleming, Foster, Goddin, Harris, Harn, Johnson of Calhoun, Kealy, Keigwin, Kuechler, Long, Mackey, Morse, Muckleroy, Mundine, Newcomb, Oaks, Patten, Phillips of San Augustine, Rogers, Ruby, Schuetze, Talbot, Thomas, Varnell, Whitmore, Wilson of Milam, Wright—38.

Nays—Messrs. Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Constant, Curtis, Fayle, Flanagan, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Jordan, Kendal, Kirk, Leib, Lindsay, McCormick, McWashington, Munroe, Phillips of Wharton, Scott, Smith of Galveston, Smith of Marion, Sumner, Watrous, Williams, Wilson of Brazoria, Yarborough—31.

So the Convention adopted the substitute for section forty-three.

Mr. Buffington offered the following section:

Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———— according to the best of my skill and ability, agreeably to the Constitution and laws of the United States, and of this State. And I do further solemnly swear (or affirm) that since the adoption of this constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State or out of it; nor, have I sent or accepted a challenge to fight a duel with deadly weapons; nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. So help me God.

Mr. Smith of Galveston offered the following amendment:

Add after the word "weapons," in the — line "or commit an assault with deadly weapons."

The amendment was accepted.

The question recurred upon the adoption of the section as amended.

It was adopted.

Mr. Thomas offered the following amendment:

"And I do further solemnly swear that I am not disabled from holding office by the 14th article of the Constitution of the United States."

Mr. Evans, of McLennan, moved to lay the matter upon the table, subject to call.

Carried.

Mr. Evans, of McLennan, introduced the following as a new section:

SECTION —. That the inferior courts in the several counties in this State shall have the power, upon a vote of the qualified voters of the respective counties, to assess and provide for the collection of a tax upon the taxable property of said county, to aid in the construction of internal improvements; provided, that said tax shall never exceed two per cent. upon the value of said property.

Mr. Sumner moved to lay the proposed section upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Board, Brown, Bryant of Grayson, Harn, Sumner, Thomas—6.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Boyd, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Evans of McLennan, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Keuchler, Kirk, Leib, Lindsay, Lippard. Long, McWashington, Morse, Muckleroy, Mundine, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Marion, Stockbridge, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—58.

So the Convention refused to lay the proposed section upon the table.

Mr. Thomas moved to amend by inserting the words "two-thirds of" between the word "of" and "the."

Mr. Bell moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bell, Butler, Burnett, Carter, Downing, Flanagan, W. Flanagan, Foster, Hamilton of Travis, Harris, Johnson of Harrison, Jordan, Kirk, Leib, Lindsay, Mackey, McWashington, Munroe, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Ruby, Scott, Smith of Galveston, Smith of Marion, Talbot, Watrous, Wilson of Brazoria, Wright—30.

Nays— Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Cole, Constant, Curtis, Evans of McLennan, Fayle, Goddin, Grigsby, Johnson of Calhoun, Kealy, Keigwin, Kendal, Keuchler, McCormick, Morse, Muckleroy, Mundine, Newcomb, Oaks, Rogers, Slaughter, Stockbridge, Sumner, Thomas, Varnell, Whitmore, Wilson of Milam, Yarborough—37.

So the Convention refused to lay the amendment upon the table.

The question recurred upon the adoption of the amendment.

It was adopted.

Mr. Munroe offered the following amendment:

Amend by inserting after the words "internal improvements" the words "and in the establishment and support of public schools."

Amendment withdrawn.

Mr. Lindsay offered the following as a substitute:

The Legislature shall authorize the several counties of the State, in their corporate capacity, to submit a question of taxation to the qualified voters thereof for purposes of internal improvements; provided. however, that no tax greater than two per cent. shall be thus raised at any one submission.

Mr. Evans, of McLennan, moved to lay the substitute upon the table.

Carried.

Mr. Armstrong, of Lamar, offered the following amendment:

"And for any county purposes which may be deemed necessary by said court."

The amendment was adopted.

The question recurring upon the adoption of the section as amended, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bledsoe, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Constant, Curtis, Degener, Downing, Evans of McLennan, Fayle, Flanagan, Foster, Grigsby, Hamilton of Travis, Harn, Hunt, Johnson of Harrison, Jordan Kealy, Keigwin, Kendal, Kuechler, Leib, Lippard, Long, McWashington, Muckleroy, Mundine, Newcomb, Oaks, Patten. Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—54.

Nays—Messrs. Armstrong of Jasper, Bell, Board, Boyd, Burnett, Cole, W. Flanagan, Goddin, Harris, Johnson of Calhoun, Lindsay, Mackey, McCormick, Morse, Sumner, Thomas, Varnell —17.

So the Convention adopted the section.

Section forty-four, of the report of the Committee on General Provisions, being under consideration, Mr. Hamilton, of Travis, moved a call of the House.

Call sustained.

Messrs. Vaughan and Gaston were excused on account of sickness.

Mr. Hamilton, of Travis, moved the previous question.

Under the rules the Convention adjourned until four o'clock.

AFTERNOON SESSION.—FOUR O'CLOCK.

Roll called; quorum present.

Mr. Muckleroy introduced the following protest:

To Hon. E. J. DAVIS,
President of the Convention:

Sir: We take this method of remonstrating to the forming of the Eighteenth Judicial District. The citizens of our counties have not been consulted, and we are satisfied it will be productive of confusion and dissatisfaction, and we solemnly protest against the action of the Convention, and desire that the same be spread on the journals of this House.

Very respectfully,

DAVID MUCKLEROY,
N. H. GASTON,
MARSHAL GLENN.

August 19, 1868.

Mr. Yarborough offered the following resolution:

Resolved, That it shall be the duty of the Legislature of this State to enact laws for the punishment of unlawful cohabitation between the sexes of the human family, and to provide for the support of illegitimate children of this State that are born after the adoption of this constitution.

And further resolved, That it shall be the duty of said Legisature to enact such laws for the punishment of vagrancy as they may think best for the good of the commmunity, and also to define what shall constitute vagrancy.

Referred to the Committee on General Provisions.

Mr. Kealy offered the following resolution:

Resolved, As it appears to be the duty of the President to take the chair every day precisely at the hour to which the Convention shall have adjourned, it shall also be the duty of the members of this Convention to be in their seats at the hour so-called, and answer to their names when called by the secretary, except those who have leave of absence. After the roll being called, no member shall leave his seat to exceed five minutes at a time, to absent himself from the House, unless with permission from the president.

Laid over under the rules.

Mr. Hamilton, of Travis, asked leave of absence for the enrolling clerk of the Convention for twelve days, commencing two days ago.

Leave granted.

Mr. McCormick asked leave of absence for Mr. Grigsby.

Leave granted.

Mr. Kealy moved a suspension of the rules to take up his resolution.

The Convention refused to suspend the rules.

The president announced the special order of the afternoon was the report of the Select Committee upon Railroads, and the question was the adoption of the substitute offered by Mr. Caldwell for the report.

Mr. Degener moved the previous question upon the adoption of the report of the Select Committee.

Previous question seconded.

Mr. Caldwell moved a call of the House.

Call sustained.

Absentees—Armstrong of Jasper, Brown, Carter, Johnson of Calhoun, Pedigo, Rogers.

Mr. Caldwell moved a suspension of the call of the House.

Call suspended.

The question recurring, "Shall the main question be now put?" the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bledsoe, Brown, Butler, Burnett, Carter, Degener, Downing, Evans of McLennan, Fayle, Foster, Hunt, Jordan, Kuechler, Lippard, Long, Newcomb, Oaks, Patten, Rogers, Ruby, Slaughter, Smith of Marion, Talbot, Thomas, Vaughan, Whitmore, Wilson of Milam—29.

Nays—Messrs. Armstrong of Jasper, Bell, Board, Boyd, Bryant of Harris, Buffington, Caldwell, Cole, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Kendal, Kirk, Leib, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Scott, Smith of Galveston, Stockbridge, Sumner, Varnell, Watrous, Williams, Wilson of Brazoria, Wright—45.

Messrs. Bryant of Grayson, Lindsay and Yarborough were excused from voting.

So the Convention refused to order the main question.

Mr. Thomas moved that the whole subject be postponed until the second Monday in January, 1869.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Brown, Bryant of Grayson, Butler, Burnett, Constant, Curtis, Degener, Downing, Fayle, Foster, Goddin, Harris, Hunt, Jordan, Keigwin, Keuchler, Lindsay, Lippard, Long, Morse, Munroe, Newcomb, Patten, Posey, Rogers, Smith of Marion, Talbot, Thomas, Vaughan, Williams, Wilson of Milam, Yarborough—36.

Nays—Messrs. Armstrong of Lamar, Bell, Board, Buffington, Caldwell, Carter, Evans of McLennan, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Kealy, Kendal, Kirk, Leib, Mackey, McCormick, McWashington, Muckleroy, Mundine, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wright—39.

Messrs. Bryant of Grayson and Sumner declined voting.

Excused.

The Convention refused to postpone.

Mr. Caldwell moved the adoption of the substitute.

Mr. Degener moved to lay the substitute upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Brown, Bryant of Harris, Buffington, Butler, Burnett, Cole, Constant, Degener, Downing, Evans of McLennan, Fayle, Foster, Goddin, Harris, Hunt, Jordan, Keigwin, Keuchler, Lindsay, Lippard, Long, Morse, Munroe, Newcomb, Oaks, Patten, Posey, Rogers, Ruby, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Thomas, Vaughan, Whitmore, Wilson of Milam, Yarborough—42.

Nays—Messrs. Armstrong of Lamar, Bell, Board, Caldwell, Carter, Curtis, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Kealy, Kendal, Kirk, Leib, Mackey, McCormick, McWashington, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Schuetze, Scott, Stockbridge, Varnell, Watrous, Williams, Wilson of Brazoria, Wright—34.

Messrs. Bryant of Grayson and Sumner declined voting.

Excused.

So the Convention laid the substitute upon the table.

Mr. Smith, of Galveston, moved to reconsider the vote laying the substitute upon the table.

Mr. Degener moved to lay the motion to reconsider upon the table.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
AUGUST 20, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. Carter moved that the rules be suspended to take up the report of the Committee on Contingent Expenses, appropriating twenty-five thousand dollars for payment of the expenses of the Convention.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bell, Board, Boyd, Buffington, Butler, Burnett, Caldwell, Carter, Constant, Curtis, Fayle, W. Flanagan, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Harris, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Mackey, McCormick, McWashington, Munroe, Pedigo, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Yarborough—43.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Bryant of Grayson, Bryant of Harris, Cole, Degener, Downing, Evans of McLennan, Flanagan, Fleming, Gaston, Hunt, Keuchler, Leib, Lindsay, Lippard, Morse, Muckleroy, Newcomb, Patten, Phillips of San Augustine, Scott, Thomas, Whitmore, Wright—26.

So the Convention refused to suspend the rules.

Under the rules, the President announced the business before the house was the report of the Committee on General Provisions,* and upon the Substitute offered by Mr. Bryant of Harris.

Mr. Bryant asked leave to withdraw the substitute.

Mr. Thomas offered the following as a substitute to section forty-four of the report:

"The laws of this State are the laws passed in pursuance of the Constitution of this State, as defined in the preceding section.

The so-called ordinance of secession, adopted by a pretended convention of the people of Texas, on the first day of February, 1861, is, and was from the beginning, null and void.

All laws or parts of laws, whether fundamental or statutory, which conflict with the Constitution or laws of the United States; or are inconsistent with the great fundamental truth, that all men have equal civil and political rights, are null and void, and shall forever remain without force or effect in this State.

The people of this State, with its present organization, or so much thereof as is loyal to the United States, are hereby remitted to their rightful constitution and laws, as defined in sections one, two and four of this ordinance.

All offices now vacant, or which may hereafter become vacant, shall be filled in the manner prescribed by law; provided, however, that prior to the first Monday in August, one thousand eight hundred and seventy, all members of the Legislature, and all officers, before entering upon the duties of their offices, shall take the following oath or affirmation:

This ordinance shall take effect and be in force from and after notice of its approval by the Congress of the United States."

Mr. Buffington moved to lay the substitute on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bell, Board, Buffington, Caldwell, Carter, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Jordan, Leib, Lindsay, Mackey, McCormick, McWashington, Munroe, Pedigo, Phillips of San Augustine, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—36.

---

*For report see page 236.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Cole, Constant, Degener, Downing, Evans of McLennan, Fayle, Harris, Hunt, Johnson of Harrison, Kealy, Keigwin, Kendal, Kuechler, Kirk, Lippard, Long, Morse, Muckleroy, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Sumner, Talbot, Thomas, Vaughan, Whitmore, Yarborough—38.

So the Convention refused to lay the substitute upon the table.

Mr. Degener moved the previous question.

Previous question seconded.

Mr. Caldwell moved a call of the house.

Call sustained.

Absentees: Messrs. Mundine, Brown, Armstrong of Lamar.

Mr. Armstrong of Lamar asked that Mr. Brown be excused.

Mr. Burnett moved to lay section forty-four upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Gaston, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright, Yarborough—52.

Nays—Messrs. President, Bryant of Harris, Butler, Curtis, Degener, Downing, Evans of McLennan, Foster, Goddin, Hunt, Jordan, Kendal, Kuechler, Lippard, Long, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith of Marion, Talbot, Thomas, Whitmore, Williams, Wilson of Milam—27.

So the Convention laid the section upon the table.

Mr. Caldwell offered the following as a new section:

That the ordinance of the Convention passed on the 1st day of February, A. D. 1861, commonly known as the ordinance of secession, was in contravention of the Constitution and laws of the

United States, and therefore null and void from the beginning; and all laws or parts of laws founded upon said ordinance, were also null and void from the date of their passage.

That the Legislature which sat in the State of Texas from the 18th day of March, A. D. 1861, until the 6th day of August, A. D. 1866, had no Constitutional authority to make laws binding upon the people of Texas; provided, that this section shall not be construed to inhibit the authorities of this State from respecting and enforcing such rules and regulations as were prescribed by the said so-called Legislature which were not in violation of the Constitution and laws of the United States and of this State, or in aid of the rebellion against the United States, or prejudicial to the citizens of this State who were loyal to the United States, and which have been actually enforced or observed in Texas during the above period of time, nor to affect prejudicially private rights which may have grown up under such rules and regulations; nor to invalidate official acts not in aid of the rebellion against the United States during said period of time.

That the Legislature which assembled in the city of Austin on the 6th day of August, A. D. 1866, was provisional only, and its acts are to be respected only so far as they were not in violation of the Constitution and laws of the United States, or were not intended to reward those who participated in the late rebellion, or to discriminate between citizens on account of race or color, or to operate prejudicially to any class of citizens.

That all debts contracted by the rebel organization in the State of Texas in aid of the late rebellion against the United States were created without constitutional authority, and the Legislature is prohibited from recognizing or making any provision for the payment, and the legislature is prohibited also from assuming or making provision for the payment of any debt contracted or incurred, or any warrant or evidence of debt issued by the said rebel organization of the State of Texas, from the 28th day of January, A. D. 1861, until the 5th day of August, A. D. 1865, except such warrants or evidence of debt as were issued in payment of services rendered, or liabilities incurred before the 28th day of January, A. D. 1861.

That all debts incurred in aid of the rebellion against the United States by the several counties, cities, and towns of the State, were without constitutional authority, and the corporate authorities of said counties, cities and towns are prohibited from ever making any provisions for the payment of such debts.

That it shall be the duty of the Legislature to ascertain and make provision for the payment of all debts that were owing by the State of Texas on the 28th day of January, A. D. 1861.

That the declaration take effect from and after its passage.

[Mr. Evans, of McLennan, in the Chair.]

Mr. Davis, of Nueces, offered the following substitute:

SECTION —. The constitution adopted by a convention of the people, on the twenty-seventh day of August, 1845, accepted by the Congress of the United States, on the twenty-ninth day of December, 1845, and amended by the people of this State on the sixteenth day of January, 1850, is the Constitution of the State of Texas, except as hereinafter provided.

SEC. — The laws of this State are the laws passed in pursuance of the Constitution of this State, as defined in the preceding section.

SEC. —. The so-called ordinance of secession, adopted by a pretended convention of the people of Texas on the 1st day of February, 1861, is, and was from the beginning, null and void.

SEC. —All laws or parts of laws, whether fundamental or statutory, which conflict with the Constitution or laws of the United States, or are inconsistent with the great fundamental truth that all men have equal civil and political rights, are null and void, and shall forever remain without force or effect in this State.

SEC. —. The people of this State, with its present organization, or so much thereof as is loyal to the United States, are hereby remitted to their rightful constitution and laws, as defined in sections one, two and four of this ordinance.

SEC. —. All offices now vacant, or which may hereafter become vacant, shall be filled in the manner prescribed by law; provided, however, that prior to the first Monday in August, one thousand eight hundred and seventy, all members of the Legislature, and all officers, before entering upon the duties of their offices, shall take the following oath or affirmation:

SEC. —. This ordinance shall take effect and be in force from and after notice of its approval by the Congress of the United States.

Mr. Hamilton, of Travis, moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Board, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Fayle, Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Kirk, Leib, Lindsay, Mackey, McCormick, McWashington, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—47.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Bryant of Grayson, Butler, Curtis, Degener, Downing, Evans of McLennan, Goddin, Hunt, Jordan, Keigwin, Kuechler, Lippard, Long, Morse, Newcomb, Oaks, Patten, Ruby, Smith of Marion, Talbot, Thomas, Whitmore, Yarborough—27.

So the main question was ordered.

The question recurred upon the adoption of the section, as proposed by Mr. Caldwell.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Board, Buffington, Burnett, Caldwell, Carter, Constant, Evans of McLennan, Fayle, Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright--45.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Bryant of Grayson, Butler, Cole, Curtis, Degener, Downing, Goddin, Harris, Hunt, Jordan, Keigwin, Kuechler, Kirk, Lippard, Long, Morse, Newcomb, Oaks, Patten, Ruby, Smith of Marion, Talbot, Thomas, Yarborough—28.

Mr. Caldwell moved a reconsideration of the vote upon the adoption of the section, and to lay the motion to reconsider upon the table.

Mr. Caldwell moved a call of the House.

Call sustained.

Mr. Patten moved that the Convention adjourn until four o'clock this afternoon.

Mr. Caldwell moved a suspension of the call of the House.

Carried.

The yeas and nays were demanded upon the motion to lay the motion to reconsider the vote adopting section — on the table, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Board, Buffington, Burnett, Caldwell, Carter, Fayle, Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Leib, Lindsay, Mackey, McCormick, McWashington, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Varnell, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—42.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Butler, Cole, Constant, Curtis, Degener, Downing, Evans of McLennan, Goddin, Hunt, Jordan, Keigwin, Kuechler, Long, Morse, Newcomb, Oaks, Patten, Ruby, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Williams, Yarborough—31.

So the motion prevailed.

On motion, the Convention adjourned until four o'clock.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. Carter moved a suspension of rules to take up resolution reported from the Committee on Contingent Expenses, appropriating twenty-five thousand dollars to pay the expenses of the Convention.

Mr. Buffington moved a call of the House.

Call not sustained.

Rules suspended, two-thirds voting in the affirmative.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Curtis, Fayle, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Kendal, Kirk, Long, McCormick, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—41.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Cole, Downing, Evans of McLennan, Flanagan, Kealy, Keigwin, Kuechler, Leib, Lippard, Morse, Muckleroy, Newcomb, Oaks, Patten, Thomas, Whitmore, Yarborough—20.

So the resolution was adopted.

Mr. Patten moved to suspend the rules to take up resolution respecting adjournment.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Boyd, Bryant of Grayson, Butler, Burnett, Downing, Evans of McLennan, Fayle, Hunt, Johnson of Harrison, Keigwin, Kendal, Kuechler, Lippard, McCormick, Morse, Newcomb, Oaks, Pedigo, Patten, Talbot, Thomas, Whitmore, Wilson of Brazoria, Wilson of Milam—28.

Nays—Messrs. Armstrong, of Lamar, Board, Bryant of Harris, Buffington, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harris, Horne, Johnson of Calhoun, Jordan, Kealy, Kirk, Leib, Long, Mackey, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Varnell, Watrous, Williams, Wright—38.

So the Convention refused to suspend the rules.

Mr. Whitmore from the Committee on General Provisions, reported as follows:

COMMITTEE ROOM,
Austin, Texas, August 20, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on General Provisions, to whom was referred a declaration introduced by Mr. Slaughter, have had the same under advisement, and after mature deliberation instruct me to report back the same to the Convention as a section of the Constitution, under the head of general provisions.

WHITMORE,
Chairman.

SEC. —. That all acts of incorporation made and granted by the Legislature of the State of Texas for the year A. D. 1866, be and the same are hereby declared null and void, except the following acts of incorporation:

Institutions of learning; orphans home; cities and towns; bridge companies; wharf and press companies; estates; ferries; mills; chambers of commerce; ice companies; odd fellows and masons.

Mr. Patten moved a suspension of the rules for the consideration of the report.

Rules not suspended.

Mr. Hunt, from the Committee on State Affairs, reported as follows:

COMMITTEE ROOM,
Austin, August 19, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on State Affairs have had under consideration a petition of citizens of the town of Fredericksburg, asking for the incorporation of said town as a city, and passage of regulations governing the same. A majority of your committee are in favor of granting the request of petitioners, and to this end have instructed me to report the accompanying ordinance to the Convention and ask its adoption.

H. C. HUNT,
Chairman.

AN ORDINANCE

To incorporate the city of Fredericksburg.

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled*, That the citizens of the town of Fredericksburg be and they are hereby declared a body corporate, by the name and style of the corporation of the city of Fredericksburg, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

SEC. 2. *Be it further ordained*, That the limits of said corporation shall be one mile square, of which the courthouse of the county of Gillespie, in the said city of Fredericksburg, shall be the center.

SEC. 3. *Be it further ordained*, That Brevet Major General Reynolds, commanding Fifth Military District, be requested to appoint a mayor, five aldermen, a treasurer, a recorder and a constable, as soon as practicable after the passage of this ordinance; and the persons so appointed shall hold their offices until the next regular election; and annually thereafter, for a similar purpose, an election shall be conducted by the mayor, or a majority of the aldermen acting at the time of such election; and the persons elected shall continue in office one year, or until their successors are duly qualified; and the annual election for mayor and aldermen shall be held at such place in the city of Fredericksburg as may be designated by the board for the convenience of the people.

Sec. 4. *Be it further ordained*, That whenever a vacancy shall occur in the office of mayor, a majority of the aldermen acting shall order and conduct an election to fill such vacancy; and the persons so elected shall hold their offices until the next regular election, or until his successor has duly qualified; and in case of the death, resignation or removal of any alderman, treasurer or constable, the mayor shall order an election under such rules and regulations as may be prescribed by the board to fill such vacancies.

Sec. 5. *Be it further ordained*, That no person shall be eligible to office of mayor, alderman, treasurer or constable, unless such person be a citizen of said city.

Sec. 6. *Be it further ordained*, That the mayor shall be president of the board of aldermen, that three of the members of said board shall constitute a quorum to transact business, and that said board shall enact such by-laws for the government of said city, not inconsistent with the constitution and laws of the State, as may be deemed proper, and may impose fines for the infraction or disobedience of the same, not exceeding twenty dollars for such offence.

Sec. 7. *Be it further ordained*, That the board of aldermen shall have and exercise control over the public square and streets of said town, and may compel all male citizens (ministers of the gospel excepted,) over the age of seventeen years and under that of forty-five, to work on the same; provided, that such person shall not be required to work more than six days, in any one year, and shall be exempt from other road duty in said county; and the board may impose such fines on defaulters as they may deem necessary, in which they all shall be governed by the laws of this State regulating roads.

Sec. 8. *Be it further ordained*, That the board of aldermen shall have power to appoint such additional officers, with the regulation of their duties and compensation, as may be necessary; and may require of them bond and security, to be given to the mayor, in such sum as may be deemed necessary to compel the efficient discharge of such duties as may be assigned them.

Sec. 9. *Be it further ordained*, That the board of aldermen shall have the power to levy a tax on all persons and property, both real and personal, in said town, subject to taxation by the laws of the State; provided, that the tax on property shall not in any one year exceed one-half of one per cent. ad valorem on said property; and no tax shall be levied unless by a vote of two-thirds of the members present; which shall be assessed and collected by the constable in the same manner as the State tax is collected.

Sec. 10. *Be it further ordained*, That all offences against the by-laws be presented before the mayor, and governed by the laws organizing justices' courts, and the constable shall execute and return all writs issued by the mayor in the same manner as is provided by the law defining the duties of constables.

SEC. 11. *Be it further ordained*, That the constable shall give bond and security as required of other constables, and shall have the same power and be entitled to the same fees for similar services.

SEC. 12. *Be it further ordained*, That the mayor of said city shall be entitled to such fees as may be allowed justices of the peace for similar services, together with such other compensation as may be allowed him by a majority of the aldermen present at the time of such allowance.

SEC. 13. *Be it further ordained*, That the aldermen shall be entitled to such compensation as may be allowed by a majority of the board; provided, that in no case the sum shall exceed two dollars per day for each day they may be required to sit as such aldermen.

SEC. 14. *Be it further ordained*, That the treasurer safely keep all the money of said corporation; shall pay out the same upon the order of the board, and shall do such other duties as may be assigned him by the by-laws; and shall give bond and security, payable to the mayor, in such sum as may be deemed proper, conditioned for the faithful performance of his duties, to be approved by the board; and shall be allowed such compensation as may be specified by the board of aldermen.

SEC. 15. *Be it further ordained*, That the books and records of the corporation shall at all times be open for the examination of any citizen of said city.

SEC. 16. *Be it further ordained*, That this ordinance take effect from and after its passage.

Mr. Munroe, from the Committee on Engrossed Bills, reported as follows:

COMMITTEE ROOM,
August 20, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Engrossed Provisions, after examination, instruct me to report the following resolutions and declarations as being correctly engrossed, viz:

No. 39. Resolution for the payment of the per diem of Mr. Horne, a member of the Convention.

No. 40. Resolution appropriating $15,000 to pay officers appointed by Provisional Governor Hamilton.

No. 41. Resolution referring a resolution of appropriation of $25,000 to Major-General Reynolds, for his approval.

No. 42. Declaration incorporating the Belleville, Hempstead and Brazos Bridge Company.

No. 43. Resolution authorizing the Secretary to pay Fred. Slaughter one dollar and fifty cents per day as mail carrier of the Convention.

No. 44. Resolution authorizing the transcribing the journals of the Convention.

No. 45. Declaration requesting Congress to pass the International Railroad bill.

No. 46. A declaration incorporating the Houston City Railroad Company.

Respectfully submitted,

A. T. MUNROE,
Chairman.

Mr. Butler introduced the following report, and asked that the reading be dispensed with.

Carried.

COMMITTEE ROOM,
August 17, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: A majority of your committee appointed to investigate the financial affairs of the State Penitentiary, have now the honor of submitting the following report:

We find, after a close examination of the past history of the institution, up to the first of June of this year, of keeping the books and accounts, and of its management, that no system had been adopted previous to the first of June of this year, when, at the instance of the present Comptroller, Mr. M. C. Hamilton, efficient regulations were introduced. A majority of your committee, therefore, in a measure, consider the present condition of the finances of the institution attributable to that fact. But while now, under the new regulations, the Financial Agent is required to render his accounts to the Comptroller, the Superintendent is left with no other accountability than a general superintendence by the Directory, which practically amounts to nothing, and is a mere farce. It is true, the Financial Agent produces receipts for raw material and supplies bought; but when these materials and supplies are turned over to the Superintendent, he is not required to take them up on a return, or render any abstract of expenditures, or vouchers for what has been made proper use of, or what not. No certain ration is prescribed for a convict: provisions are bought and turned over to the Superintendent without any requisition for the same, or without any person being aware if all these provisions, or how many of them, are consumed by the convicts, or if they are used for other purposes; in short, the Superintendent is without any control whatever, and the whole system of administration, to say the least, a very loose one.

A precedent has been established by the Superintendent, at what time your committee was unable to ascertain, but it was established before the appointment of the present Superintendent; suffice it to say that it has been established, to compel guards to board with the Superintendent, without any law compelling the latter to furnish decent board. However dissatisfied the guard may be in this regard, he has no chance to complain, because he has no authority to appeal to. If dissatisfied, he is at the mercy of the Superintendent, turned off, no matter how faithful and useful he may have been otherwise, with the consolation that there are plenty others who, through extreme necessity, are willing to submit to the outrage.

A majority of your committee do not want to convey the idea that they would have the guards board away from the institution, but that the State, and not the Superintendent, should board them, from the following facts, that the State furnishes the stove, cooks, and wood to cook their victuals with, furnishes waiters to wait on them, sufficient feed for twenty or thirty hogs for meat; land, and convicts to cultivate and raise vegetables with, and, in fact, almost everything but the flour and meal for bread, which could also be furnished by the State, under the present loose commissary system, without the least trouble or fear of detection. All these facts go to show that the State should board these guards. The Superintendent receives a very liberal salary to attend to the interests of the State; the board of the guards amounts to over $5000 a year, and as the Superintendent is at but very little cost to board them, the balance is allowed him, for we have no law forbidding it, under this precedent established, when it properly belongs and should go to the State.

From the facts stated above, a majority of your committee are forced to the conclusion that, to keep up and work such an institution by State authority, as it has been conducted, will always be a source of great corruption: it will be a harvest to be gathered by some favorite politician of the party in power at the time; and while the State revenue ought to derive at least $25,000 per annum from the profits of the institution, it will always prove to be an expense to the State.

It is clearly to the interest of the State to remove the source of corruption from the gaze of keen-sighted politicians, by leasing the whole establishment to individuals, requiring the lessee to make semi-annual payments or forfeit his lease. The treatment and support of the convicts should remain within the control and management of the State, and the lessee should only be entitled to the labor of the convicts, under such rules and regulations as the State may prescribe. This arrangement can easily be made, and it is believed that at least $25,000 per annum could in this way be realized by the State treasury. Should, however, the Penitentiary continue to be conducted as it is, defalcation and confusion may be expected to continue, and the institution will continue to beg at the doors of the treasury for bread.

A majority of your committee deem it not improper to suggest, that, in case it is thought preferable to let the Penitentiary remain in its present relation to the State treasury, the Comptroller of the State be required to send an agent, who shall be a competent accountant, to, once in every six months, inspect the books and accounts both of Superintendent and Financial Agent, and make his report to the Comptroller.

The condition of finances of the institution is such that it will want the most prudent management to retrieve the losses incurred. The statement hereto annexed shows the assets of the Penitentiary at two different periods, August 1856, and January 1868, which latter have continued the same until the present time. At the former period the institution was quite prosperous, for the assets, consisting of manufactured goods, raw material and moneys, amounted to $106,287.49.

Seventeen months after, these, as far as we could ascertain, were reduced to almost nothing, for no material and no money was on hand, and only a few manufactured goods, valued at $1,893.93.

Besides this, a confusion prevails, which will want further labor, to ascertain whether these assets will not be changed into liabilities.

The main causes why the Financial Agent of that period has failed to preserve the finances of Penitentiary in the former prosperous condition, we have found to be the following:

Imprudent agreement with agents, to whom was granted unlimited power to dispose of manufactured goods without any control or restriction, and whose main object it seems to have been to get rid of them as fast as possible;

Want of economy in the purchase of supplies; and

Want of system and order in books and accounts.

During a period of twelve months goods were consigned to the agents, T. H. McMahan & Co., in Galveston, who, as per account sales, account for	1,265,818 yards.
The books of the Penitentiary show a little less, viz.	1,258,234 yards.
Difference..................................	7,584 yards,

which can only be accounted for by omissions in these books.

After deducting from the proceeds of sales the charges, consisting in freight from Navasota to Galveston, insurance, commission, storage, freight to New Orleans and New York, and good many others, the proceeds of the above accounted for 1,265,818 yards were $150,518.10; or 11 cents per yard Osnaburgs, 12¼ cents per yard cotton Jeans, 24½ cents per yard W. Kerseys, 21¼ cents per yard White Plains.

But these were not yet the net proceeds, for in their account currents McMahan & Co. make charges of outlay for freight from Huntsville to Navasota and commission thereof, forwarding, labor on goods, interest on payments, reclamations for damaged goods, advertising, commissions on advancing and commission on disbursements, etc., etc., in all amounting to $26,085.18, which reduce the proceeds of Osnaburgs from eleven cents to the net proceeds, "nine cents per yard."

According to books, the following rates have been paid for the raw cotton, out of which the above goods were manufactured:

1866. September, from 17½ to 20 cents; average, 18¾ cents.
October, 20 cents; average, 20 cents.
November, 20 cents; average, 20 cents.
December, from 18 to 20 cents; average, 19 cents.
1867. January, 20 cents; average, 20 cents.
February, from 18 to 20 cents; average, 19 cents.
March, from 16 to 18 cents; average, 17 cents.
April, from 15½ to 20 cents; average, 17¾ cents.
May, from 13 to 18 cents; average, 15½ cents.
June, from 14 to 16 cents; average, 15 cents.
July, from 13½ to 19 cents; average, 16¼ cents.
August, from 13½ to 15 cents; average, 14¼ cents.
September, from 15 to 16 cents; average, 15½ cents.
October, 16 cents; average, 16 cents.
Average rate per pound, 17½ cents.

As evidence for our assertion, that the Financial Agent was wanting in economy in purchasing supplies, we wish to draw attention to the latter rates. During September and October, 1867, cotton could be bought at Huntsville at from 7 to 9 cents, whereas from 15 to 16 cents have been paid.

One pound of raw cotton, the average price of which was 17½ cents, yields 1¾ yard of Osnaburg, and as the net proceeds of 1 yard of Osnaburg, as stated before, was 9 cents, the net proceeds of 1¾ yard Osnaburg or 1 pound cotton was 15¾ cents, or 1¾ cents less than the cost of it. McMahan & Co. had received, besides other goods, 1,123,353½ yards Osnaburgs, equivalent to 641,916 pounds cotton; these alone caused an actual loss of $11,233.53 in specie.

Great sacrifices have been made by the shipment of goods to New York, which, considering the facility the telegraph offers to gain information in regard to the New York market, appears a very thoughtless undertaking, provided the agents had in view the interest of the consignor. Seven hundred and fifty bales of goods were consigned to New York;

75 bales of these, measuring 45,269 yards, brought....	$3,757.66
McMahan & Co.'s charges........................	430.00
Proceeds..................................	$3,327.66

Or	7⅓c. ⅌ yard.
And, after deducting the proper share of McMahan & Co.'s charges of $26,085.18, moderately estimated at	1⅓c.
The net proceeds are	6c. ⅌ yard.

And 1¾ yards representing 1 pound cotton, the net proceeds of the latter is 10½ cents. The raw material, bought in Huntsville at an average price of 17½ cents per pound, brought, therefore, after requiring the labor of convicts, (and their support, wear of machinery, &c., considered) converted into goods and shipped to New York, 7 cents per pound less than cost.

After charging the Penitentiary with $147 68 for extra labor during the overflow, the agents in Galveston sold 158 bales of goods, which, according to their statement, were damaged during that calamity, and amongst which was a considerable part woolen; they brought not even half the cotton value.

The books of the Financial Agent are kept without system and order. A comparison with the accounts current of McMahan & Co. has brought to light omissions to the amount of $14,034 43, some of which could impossibly have escaped his knowledge, as they were charges per invoice. The accounts current above mentioned acknowledge, amongst others, the following receipts of moneys:

1867.	February 8.	From Perkins, Swenson & Co.,	cash	$3,286 04
	March 1.	" A. Sessums & Co.,	"	2,008 59
		" do	"	966 87
	April 15.	Draft on A. J. Burke,	"	218 18

Of these payments no entries can be found, and it can scarcely be presumed that the paying firms should have neglected to give notice to the Financial Agent, or that McMahan & Co. kept these receipts secret. The latter statement will sufficiently show how little reliable the books are.

The Financial Agent ought to be a man of some mercantile knowledge. Such a one would not have entered in agreement which gives the agents unrestricted authority to dispose of goods as ever they think proper, reserving for himself no right to stop them when he sees that they get rid of them too fast and at too low a figure. It was, to say the least, an imprudent act, which has taken from the institution a great deal of money, and thereby the means to increase its efficiency. Agreements of such magnitude ought, in future, to be subject to the endorsement of the Comptroller. For a person of mercantile knowledge it is an easy matter to calculate the actual cost of goods and the charges to the place of consignment, which will enable him to instruct his agents under what minimum price not to sell; he will, when no profitable market can be found, rather stop manufacturing, than evidently throw away money.

For the purpose of protecting the Penitentiary against losses and further claims, a majority of your Committee suggests, finally, that the books may be further investigated, the accounts balanced, and thereby ascertained who has claims against the institution, and who is debtor to it. We think the conclusion of this investigation of books, which would take from four to six weeks more, so much the more necessary, as it has important bearing upon the duties of Financial Agent as well as Comptroller.

STATEMENT SHOWING THE ASSETS OF THE STATE PENITENTIARY, AUGUST, 1866.

By G. W. Sinks, ex-Financial Agent, were delivered to D. C. Dickson, Financial Agent:

Manufactured goods on hand	$45,962 66
do do with agents,	36,103 97

Moneys with agents,	7,808 01
Cash on hand,	412 85
Material, viz: 80,000 lbs. wool at 20c.,	16,000 00
	$106,287 49

JANUARY 14TH, 1868.

By D. C. Dickson, ex-Financial Agent, were delivered to G. W. Sinks, Financial Agent:

Manufactured goods on hand,	$1,893 93

N. B. From January 14th until the present time the Penitentiary has not only not improved financially, but has drawn $12,500 from the State Treasury, and to-day it is wanting money again.

If the Penitentiary has greater assets, as stated above, or, as is presumed, has liabilities, such can only be ascertained by continued investigation of books.

JAMES P. BUTLER,
Chairman Committee.

Mr. Carter presented the following report and resolution:

COMMITTEE ROOM,
Austin, August 19, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your committee, to which was referred the resolutions and declarations of Mr. Carter, and the substitute of Mr. Armstrong, in regard to opening the Memphis and El Paso railroad reserve to settlement, and to enable the settlers on said Memphis and El Paso railroad reserve to obtain titles to their homes, has thought that the object sought would be more quickly arrived at, and relief to the settlers on said reserve be more immediate and positive, by substituting the ordinances and declarations reported by your committee for the resolutions and declarations referred to it, and recommend that they be adopted.

CARTER,
On the part of the committee.

AN ORDINANCE

Granting land to actual settlers, to purchasers of lands, and location of genuine certificates, within the limits of the Memphis and El Paso railroad reserve.

SECTION 1. *Be it ordained and declared by the people of Texas in Convention assembled*, That all heads of families actually settled on vacant lands lying within the Memphis and El Paso railroad reserve, shall be entitled to and receive from the State of Texas eighty acres of land, including the place occupied, on payment of all expenses of survey and patent.

SEC. 2. *Be it further ordained and declared*, That all vacant lands lying within the Memphis and El Paso railroad reserve is hereby declared open and subject to sale to heads of families actually settled on, or who may actually settle in said reserve, at the price of one dollar per acre; and said vacant land within said reserve shall be open to preemption settlers, and subject to the location of all genuine land certificates.

SEC. 3. Whereas, on the fourth day of February A.D. 1856, an act, entitled "An Act to incorporate the Memphis, El Paso and Pacific Railroad Company," was approved by the Governor; and

Whereas, on the twenty-fifth day of August, 1856, the nineteenth section of said act was amended and approved by the Governor; and

Whereas, By the said act and amendment aforesaid, a certain quantity of lands per mile was granted to said Memphis, El Paso and Pacific railroad company, upon the express condition that the said company put in complete order twenty miles of said road; and

Whereas, A large quantity of certificates for lands have been issued by the Commissioner of the General Land Office to said company, and many patents have been issued thereon; and

Whereas, It is believed by this Convention that said patents and certificates have been issued in violation of the express provision of said act,

Therefore be it further resolved by this Convention, That it shall be the duty of the Attorney General of the State of Texas to prosecute suits in any court in this State, having competent jurisdiction, against said company, or any person or persons holding any of said certificates or patents for the purpose of having the same cancelled.

SEC. 4. *Be it further ordained and declared*, That this ordinance take effect from and after its adoption and approval.

Mr. Carter moved a suspension of the rules, to take up resolution.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Boyd, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Fayle, Fleming, Foster, Goddin, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Lippard, McCormick, Munroe, Pedigo, Phillips of Wharton, Posey, Rogers, Scott, Stockbridge, Talbot, Watrous, Wilson of Brazoria, Wright —35.

Nays—Messrs. President, Butler, Burnett, Degener, Downing, Evans of McLennan, Flanagan, W. Flanagan, Harris, Johnson of Harrison, Keuchler, Leib, Lindsay, Long, Mackey, Morse, Muckleroy, Newcomb, Oaks, Patten, Ruby, Schuetze, Slaughter, Smith of Galveston, Thomas, Whitmore, Williams, Wilson of Milam, Yarborough—29.

So the Convention refused to suspend the rules.

Mr. Horne introduced the following resolution:

Resolved, That a committee of three be appointed by the chair, to ascertain up to what date the reporter of this Convention has written out the speeches and debates, and to report thereon tomorrow.

Mr. Butler moved a suspension of the rules for the consideration of the resolution.

Rules suspended.

Resolution read and adopted.

The President appointed Messrs. Horne, Talbot, and Thomas as the committee.

Mr. Board introduced the following resolution:

Resolved, That this Convention will not force money upon any member who does not want it.

Mr. Board moved a suspension of the rules for the consideration of the resolution.

Mr. Johnson, of Calhoun, moved a rejection of the resolution.

Carried.

Mr. Constant, of Hunt, moved to call up the report of the special committee appointed to visit the Blind Asylum.

The question recurred upon the adoption of the declaration reported by the committee.

It was adopted.

Mr. Smith moved a suspension of the rules, to put resolution upon its passage.

Rules suspended.

Resolution read and agreed to.

The question recurring upon the final passage of the resolution, it was adopted.

Mr. Schuetze moved that the rules be suspended to take up the report of the Committee on Education, respecting the appointment of a committee to visit the State asylums.

Rules suspended.

The question recurred upon the adoption of the resolution.

It was adopted.

The President appointed Messrs. Schuetze, Munroe, Slaughter, Talbot and Constant.

Mr. Smith, of Marion, introduced the following declaration:

A DECLARATION

To incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company.

SECTION 1. That George W. Keene, Aaron Grigsby and W. H. Johnson, and such other persons as they may associate with themselves, and their successors, are hereby incorporated under the name of the Jefferson, Marshall and Big Cypress Bayou Bridge Company, and under such name shall sue and be sued, and have succession for thirty years.

SEC. 2. Said company shall shall have the right to construct a bridge of iron or wood across the Big Cypress Bayou, at a point opposite the city of Jefferson, between said city of Jefferson and Marshall.

SEC. 3. Said company shall construct said bridge in a good and substantial manner, within five years from the 1st day of January, A. D. 1869, and shall keep the same in good repair for the term of thirty years from the completion thereof, and to be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge, and be responsible as common carriers to the law for any loss of property in transit over said bridge.

SEC. 4. That said company shall be entitled to charge and receive, from the completion of said bridge, for the term of thirty years, the following tolls from all persons who may cross themselves or their property, viz: four-horse or ox stage, or wagon, loaded, fifty cents; for six-horse or ox stage, or wagon, sixty cents; and for each additional pair of horses, mules, or oxen, attached to said wagon, ten cents; for man and horse, ten cents; single horse and buggy, twenty-five cents; two-horse buggies, two-horse or ox wagons, forty cents, other vehicles in proportion; footman, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head; and all other property not mentioned in proportion to the above rates.

Sec. 5. That no other bridge or ferry shall be constructed or kept across the said Big Cypress Bayou or river, for the space of thirty years after the completion of the bridge, within a space of four miles on a straight line up and down said Big Cypress Bayou or river from said bridge, which said Jefferson, Marshall and Big Cypress Bayou Bridge Company may construct; provided, that in case the said bridge shall get out of repair, the said company shall be authorized to keep a ferry boat for the crossing of passengers over said bayou or river, until the said bridge is put in order.

Sec. 6. That any person crossing said bridge, or who shall by attempting to pass around said bridge, or otherwise attempt to evade the payment of the toll herein allowed, when said company are authorized to demand and receive the same, shall forfeit and pay to said company for every such attempt the sum of five dollars for each time attempted to be evaded, which may be recovered before any justice of the peace in whose jurisdiction such person may be found; provided, nothing herein contained shall be construed to prevent any person from crossing at any ford on said river, and that this declaration be and have effect from and after its passage, and all laws conflicting with this declaration are hereby repealed.

The question recurred upon the passage of the declaration.

It was agreed to.

Mr. Hamilton, of Travis, moved a suspension of the rules to put declaration upon its final passage.

Rules suspended.

Mr. Caldwell offered the following amendment:

Amend by adding the names of Aaron Grigsby and William H. Johnson.

Mr. Patten moved to lay the amendment on the table.

The question recurred upon the adoption of the amendment.

It was adopted.

The question recurred upon the final passage of the declaration, as amended.

It was passed.

Mr. Degener called up a declaration offered by Mr. Schuetze, on the 13th inst., respecting the repeal of laws relating to certain offenses on Sundays, approved December 16, 1863.

Mr. Degener moved the previous question.

Previous question seconded.

The question recurred: "Shall the main question be now put."

The main question was ordered.

The question recurred upon the adoption of the resolution.

It was adopted.

Mr. Degener moved a further suspension of the rules to put the declaration on its final passage.

Rules suspended.

Mr. Hamilton, of Travis, moved that the word "repealed" be inserted instead of "null and void."

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Curtis, Downing, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, McWashington, Morse, Muckleroy, Mundine. Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Wilson of Brazoria, Wilson of Milam, Wright—49.

Nays—Messrs. President, Degener, Evans of McLennan, Hunt, Kuechler, Lippard, Newcomb, Patten, Thomas, Whitmore, Williams—11.

So the motion prevailed.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Davis, of Nueces, called up the report of the special committee appointed to consider a communication and declaration respecting the State Penitentiary, laid before the Convention by His Excellency Governor E. M. Pease.*

By consent of the Convention Mr. Davis withdrew his call, to allow Mr. Degener to call up the report of the Committee on Political Disabilities.

On motion, the Convention adjourned until to-morrow morning at nine o'clock.

---

* For report see page 803.

CAPITOL, AUSTIN, TEXAS,
AUGUST 21, 1868.

Convention met pursuant to adjournment.

Roll called; quorum present. Prayer by the Chaplain. Journals of yesterday read and adopted.

Mr. Grigsby was excused on account of sickness.

Messrs. Glenn, Keuchler and Downing were also excused for the same reason.

Mr. Patten moved that Mr. Evans of McLennan be indefinitely excused.

Mr. Smith, of Galveston, moved to suspend the rules to take up the following resolution:

Resolved, That a committee of three be appointed by the president to examine into and inquire by what authority a member of this Convention holds his seat in violation of military circular No. 16, dated May 16th, 1867, and issued by Brevet Major General Griffin and report to this Convention.

Rules suspended.

Mr. Thomas moved to lay the subject upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bryant of Grayson, Buffington, Butler, Burnett, Constant, W. Flanagan, Harris, Harn, Kealy, Lippard, McCormick, Morse, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Thomas, Varnell, Wilson of Brazoria, Wright, Yarborough—23.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Caldwell, Carter, Degener, Fayle, Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Hunt, Jordan, Kendal, Leib, Lindsay, Long, Mackey, Muckleroy, Munroe, Oaks, Patten, Ruby, Smith of Galveston, Stockbridge, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Milam—37.

So the Convention refused to lay on the table.

Mr. Sumner moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurred upon the adoption of the resolution.

It was adopted.

The president appointed, upon the committee under the resolution, Messas. Phillips of Wharton, Pedigo, and Armstrong, of Jasper.

Mr. Smith, of Galveston, moved that two additional members be added to the committee.

Carried.

Messrs. Patten and Talbot were appointed.

The president announced the business was upon section forty-five of the report of the Committee on General Provisions.*

On motion, section forty-five was adopted.

Mr. Armstrong, of Lamar, offered the following additional sections:

Sec. —. That it shall be the duty of the Legislature to provide for the more certain and speedy collection of the fees of the officers of the courts.

Sec. —. That the Legislature shall by law make it a sufficient cause to strike from the docket any cause where the cost of the officers of the court are not paid on or before the first day of each term of the court, except the parties shall make oath that they were unable to pay said cost.

Sec. —. That in all cases where persons indicted in any court, and conviction shall not be had, the State shall pay all costs in cases of felony and the counties shall pay all costs in cases of misdemeanor.

Mr. Wright moved to lay the proposed sections upon the table.

Carried.

Mr. Wilson, of Brazoria, offered the following as an additional section:

It shall be the duty of the first Legislature, after the adoption of this Constitution, to levy a special road tax upon the property of all persons in this State, and appropriate the same to the building of bridges and the improvement of public roads in the different counties in the State, under such rules and regulations as the first Legislature shall provide.

Mr. Sumner moved to strike out the word "first" before Legislature.

Carried.

The question recurring upon the adoption of the section as amended, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Bledsoe, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Constant, Curtis, Degener, W. Flanagan, Fleming, Foster, Hamilton of Travis, Hunt, Johnson of

---

* For report see page 236.

Harrison, Jordan, Kealy, Kendal, Long, McCormick, McWashington, Mundine, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Sumner, Talbot, Thomas, Varnell, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—38.

Nays—Messrs. Armstrong of Jasper, Board, Bryant of Grayson, Burnett, Flanagan, Gaston, Goddin, Harris, Harn, Horne, Keigwin, Kirk, Leib, Lindsay, Morse, Muckleroy, Pedigo, Smith of Galveston, Stockbridge, Watrous, Yarborough—21.

So the section was adopted.

Mr. Thomas offered the following as an additional section:

"No confirmed drunkard or professional gambler shall be eligible to office in this State."

Mr. Horne moved to lay the proposed section upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Booard, Buffington, Butler, Burnett, Caldwell, Carter, Degener, Fayle, Flanagan, Flanagan W., Foster, Gaston, Hamilton of Travis, Harris, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Kealy, Keigwin, Kirk, Lindsay, McCormick, McWashington, Mundine, Munroe, Patten, Phillips of San Augustine, Phillips of Wharton, Rogers, Stockbridge, Varnell, Watrous, Wilson of Brazoria, Wright—39.

Nays—Messrs. Bledsoe, Bryant of Grayson, Bryant of Harris, Constant, Curtis, Fleming, Goddin, Jordan, Kendal, Leib, Mackey, Morse, Newcomb, Posey, Smith of Galveston, Smith of Marion, Talbot, Thomas, Vaughan, Whitmore, Williams, Wilson of Milam, Yarborough—23.

So the proposed section was laid upon the table.

Mr. Lindsay asked leave of absence for to-day for Mr. Schuetze.

Leave granted.

Mr. Foster introduced the following as an additional section:

"Mechanics and artisans of every class shall have a lien upon the articles manufactured or repaired by them, for the value of their labor done thereon, or materials furnished therefor; and the Legislature shall provide by law for the speedy and sufficient enforcement of said lien."

Mr. Caldwell moved to lay the proposed section upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Board, Bryant of Grayson, Buffington, Caldwell, Constant, Fayle, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Horne, Keigwin, Kirk, Lindsay, Mackey, Morse, Muckleroy, Mundine, Munroe, Posey, Varnell, Vaughan, Wilson of Milam, Wright—26.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris, Butler, Burnett, Carter, Cole, Curtis, Degener, Flanagan, W. Flanagan, Foster, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Long, McCormick, McWashington, Newcomb, Rogers, Ruby, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Yarborough—38.

So the Convention refused to lay the section upon the table.

The question recurring upon the adoption of the section, it was adopted.

Mr. Bryant, of Harris, offered the following as an additional section:

"Every settler on the public domain of the State shall be entitled, upon proof of actual settlement for the term of three years, to locate and appropriate a tract of one hundred and sixty acres of land, if the head of a family, and a tract of eighty acres of land, if not the head of a family, which shall become the property of the settler in fee simple, free of all costs whatever, other than the expense of surveying."

Mr. Goddin moved to lay the section upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Board, Bryant of Grayson, Buffington, Caldwell, Constant, Fayle, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Horne, Keigwin, Kirk, Lindsay, Mackey, Morse, Muckleroy, Mundine, Munroe, Posey, Varnell, Vaughan, Wilson of Milam, Wright—26.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris, Butler, Burnett, Carter, Cole, Curtis, Degener, Flanagan, W. Flanagan, Foster, Goddin, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Long, McCormick, McWashington, Newcomb, Rogers, Ruby, Smith of Galveston, Smith of Marion, Stockbridge, Thomas, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Yarborough—38.

So the Convention refused to lay the proposed section upon the table.

Mr. Carter moved that the report of the Judiciary * be taken up.

---

* For report see p 465.

Carried.

Mr. Butler moved that the report be considered section by section.

Carried.

Mr. Board moved that the word "constitution" be stricken out in third line of section one.

Mr. Wright moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Main question ordered.

The question recurred upon the adoption of section one of the report.

It was adopted.

Mr. Butler offered the following amendment to section two:

Strike out from the word "appointed" on the second line to the word "Senate," in the third line inclusive, and insert "elected by the qualified electors of the State."

Mr. Flanagan moved to lay the amendment on the table.

Upon which the yeas and nays were called, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Board, Bryant of Grayson, Cole, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Lindsay, Muckleroy, Mundine, Munroe, Posey, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Milam, Wright, Yarborough—34.

Nays—Messrs. President, Bell, Bledsoe, Bryant of Harris, Buffington, Burnett, Carter, Caldwell, Curtis, Fayle, Hunt, Johnson of Harrison, Kendal, Leib, Long, Mackey, McWashington, Morse, Ruby, Smith of Marion, Talbot, Whitmore, Watrous, Wilson of Brazoria—24.

So the amendment was laid upon the table.

Mr. Sumner offered the following amendment:

Amend by striking out the word "fifteen," in third line, and substitute the word "six;" also, the word "two," in place of "three," in fifth line.

Mr. McCormick moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bryant of Grayson, Buffington, Caldwell, Carter, Constant, Curtis, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Lindsay, Long, Mackey, McCormick, McWashington, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wright, Yarborough—40.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Board, Boyd, Bryant of Harris, Butler, Burnett, Cole, Degener, Gaston, Goddin, Hunt, Jordan, Kealy, Kendal, Kirk, Leib, Lippard, Morse, Muckleroy, Mundine, Newcomb, Oaks, Smith of Marion, Sumner, Talbot, Whitmore, Williams—29.

So the main question was ordered.

The question recurred, "shall the section be adopted?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Wilson ofBrazoria, Wright, Yarborough—39.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Board, Boyd, Bryant of Harris, Butler, Cole, Degener, Gaston, Goddin, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Kirk, Lippard, Morse, Muckleroy, Mundine, Newcomb, Oaks, Patten, Rogers, Smith of Marion, Sumner, Talbot, Whitmore, Williams--30.

The Convention adopted the second section.

Mr. Horne offered the following amendment to section three:

In line four, after the word "two" insert "or of fact," and after the word "judge" insert "or by the jury."

In line six, strike out "thirty" and insert "sixty."

Carried.

Mr. Smith, of Galveston, moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Curtis, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—62.

Nays —Messrs. President, Hunt, Newcomb, Patten—4.

So the main question was ordered.

The question recurred upon the adoption of the third section.

It was adopted.

Mr. Sumner offered the following amendment to section four:

Amend by striking out three last words, and insert "four other places in the State."

Mr. Flanagan moved the previous question.

Previous question seconded.

Mr. Sumner moved a call of the House.

Call sustained.

Absentee—Fleming.

Mr. Carter moved a suspension of the call of the House.

Call suspended.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kirk, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Stockbridge, Thomas, Vaughan, Watrous, Wilson of Brazoria, Wright—43.

Nays—Messrs. President, Bledsoe, Boyd, Bryant of Harris, Cole, Curtis, Degener, Goddin, Hunt, Jordan, Kealy, Kendal, Lippard, Morse, Muckleroy, Newcomb, Oaks, Patten, Pedigo, Ruby, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Whitmore, Williams, Wilson of Milam, Yarborough—29.

So the main question was ordered.

The question recurring, "shall section four of the report be adopted?"

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Board, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Munroe, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Stockbridge, Thomas, Vaughan, Watrous, Wilson of Brazoria, Wright—39.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Boyd, Bryant of Harris, Butler, Cole, Curtis, Degener, Gaston, Goddin, Hunt, Kealy, Kendal, Kirk, Lippard, Morse, Muckleroy, Newcomb, Oaks, Patten, Pedigo, Rogers, Ruby, Smith of Galveston, Smith of Marion, Sumner, Talbot, Varnell, Whitmore, Williams, Wilson of Milam, Yarborough—34.

So section four was adopted.

Mr. Bledsoe moved that the words "the Supreme Court shall employ its own clerks" be stricken out of section five, and the words "elected by the qualified voters" inserted.

Mr. Flanagan moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Leib, Lindsay, Long, Mackey, McWashington, Muckleroy, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—52.

Nays—Messrs. Bell, Bledsoe, Bryant of Harris, Butler, Curtis, Degener, Gaston, Goddin, Hunt, Kendal, Lippard, Morse, Newcomb, Oaks, Ruby, Smith of Marion, Talbot, Williams—18.

So the amendment was laid upon the table.

Mr. Munroe offered the following amendment:

Amend by inserting "clerk" instead of "clerks," in section five, first line, and the word "his," instead of the word "their," first line, and the word "office," in place of the word "offices," first line, and the word "clerk," instead of the word "clerks," third line.

The question recurred upon the adoption of the amendment.

It was adopted.

The question recurred upon the adoption of section five, as amended.

It was adopted.

Mr. Kirk offered the following amendment to section six:

In second line strike out "appointed by the Governor by and with the advice and consent of the Senate," and insert "elected by the qualified electors of said district;" in third line strike out "appointment" and insert "elected."

Mr. Curtis moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Leib, Lindsay, Mackey, McCormick, McWashington, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Vaughan, Watrous, Wilson of Brazoria, Wright, Yarborough—39.

Nays—Messrs. Bell, Bledsoe, Board, Boyd, Bryant of Harris, Butler, Cole, Curtis, Degener, Gaston, Goddin, Harris, Hunt, Johnson of Harrison, Keigwin, Kendal, Kirk, Lippard, Morse, Muckleroy, Mundine, Newcomb, Oaks, Patten, Ruby, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Williams, Wilson of Milam—32.

So the amendment was laid upon the table.

Mr. Davis, of Nueces, offered the following amendment to section six.

Provided, That the first general election after the fourth of July, 1876, the question shall be put to the people whether the mode of election of judges of the supreme and district court shall not be returned to.

Mr. Caldwell moved to amend by inserting the word "may" instead of "shall."

Withdrawn.

Mr. Hamilton, of Travis, moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bryant of Grayson, Buffington, Burnett, Caldwell, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Hamilton of Travis, Lindsay, McCormick, McWashington, Munroe, Pedigo, Phillips of San Augustine, Posey, Scott, Stockbridge, Varnell, Watrous, Wilson of Brazoria, Yarborough—24.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Harris, Butler, Carter, Cole, Curtis, Degener, Foster, Goddin, Harris, Harn, Horne, Hunt, Johnson of Calhoun, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lippard, Mackey, Morse, Muckleroy, Mundine, Newcomb, Oaks, Patten, Phillips, of Wharton, Rogers, Ruby, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Vaughan, Whitmore, Williams, Wilson of Milam, Wright—46.

The Convention refused to lay the amendment on the table.

Mr. Webster Flanagan moved the previous question.

Previous question seconded.

The question recurring "shall the main question be now put?" the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Buffington, Burnett, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Hamilton of Travis, Leib, McCormick, McWashington, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Scott, Stockbridge, Varnell, Watrous, Wilson of Brazoria, Wright—21.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Butler, Caldwell, Carter, Curtis, Degener, Foster, Goddin, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Lindsay, Lippard, Mackey, Morse, Muckleroy, Mundine, Newcomb, Oaks, Patten, Posey, Rogers, Ruby, Smith of Marion, Sumner, Talbot, Thomas, Vaughan, Whitmore, Williams, Wilson of Milam, Yarborough—47.

So the Convention refused to order the main question.

The question recurred upon the adoption of the amendment.

Mr. Thomas moved to amend the amendment by striking out the words "supreme and."

Mr. Bell moved to lay the amendment to the amendment upon the table.

Carried.

The amendment was adopted.

Mr. Armstrong, of Jasper, offered the following amendment:

Strike out the fourth and fifth lines, and insert "shall hold courts in each county thereof at such time and place as may be prescribed by law."

The question recurred upon the adoption of the amendment.

It was rejected.

Mr. Board offered the following amendment:

Strike out "three terms" a year, and insert "two terms."

Mr. McCormick moved the previous question upon the adoption of section six, as amended.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Main question ordered.

The question recurring upon the adoption of the section as amended, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Constant, Carter, Curtis, Degener, Fayle, Fleming, Foster, Goddin, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Oaks, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—51.

Nays—Messrs. Armstrong of Jasper, Board, Cole, W. Flanagan, Gaston, Harris, Hunt, Morse, Newcomb, Patten, Smith of Marion, Whitmore—12.

The Convention adopted the section.

Mr. Board offered the following amendment:

In section seven, strike out all from the twelfth line, and leave powers of the county and police courts as they now stand.

Mr. Burnett moved the previous question.

Previous question seconded.

Mr. Sumner moved a call of the House.

Call sustained.

On motion the Convention adjourned until four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. Carter introduced a petition from the citizens of Parker county respecting indigent persons therein, and asked its reference to the Committee on State Affairs.

Mr. Bryant of Grayson was excused on account of sickness.

Mr. Varnell, from the Committee on Apportionment, reported upon senatorial and representative districts of the State.

Reading dispensed with and ordered to be printed.

Mr. Hunt, from Committee on State Affairs, reported as follows, with accompanying declaration:

COMMITTEE ROOM,
Austin, August 21, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your Committee on State Affairs have had under consideration a declaration presented by Mr. Kirk, in reference to the relinquishment by the State of the State tax of the county of Erath assessed in 1868, to be used in replacing the records of said county, recently destroyed by fire.

We find, upon investigation, that the office buildings of county clerk, district clerk and county surveyor, together with all of the records, were burnt in September, 1867.

This county being upon the frontier, has also suffered from the depredations of Indians to such an extent that the people, in many cases, have been reduced to absolute want, and are unable to bear the additional taxation necessary to supply the required records.

These facts considered, a majority of your committee have instructed me to report the declaration back to the Convention, and ask its passage.

H. C. HUNT,
Chairman.

DECLARATION

Requesting the Commanding General of the Fifth Military District to order the relinquishment of the State tax assessed for the year 1868, in the county of Erath, to said county, for the purpose of replacing the records recently destroyed by fire.

SECTION —. *Be it ordained and declared by the people of Texas in Convention assembled:*

That Brevet Major-General J. J. Reynolds, commanding the Fifth Military District, be and he is hereby respectfully requested to order the relinquishment to the county of Erath, of the State tax assessed in said county for the year 1868, to be used in replacing the records of said county, recently destroyed by fire.

Mr. Kirk moved a suspension of the rules for the consideration of declaration.

Rules suspended.

Declaration read second time and agreed to.

Mr. Pedigo moved a further suspension of the rules to put declaration on its passage.

Rules suspended.

Resolution read third time and adopted.

Mr. McCormick asked leave of absence for Mr. Scott.

Leave granted.

Mr. Hamilton of Travis offered the following declaration:

A DECLARATION

For the relief of the heirs of General Sam. Houston, deceased.

SECTION 1. *Be it declared and ordained*, That the land certificate heretofore issued by the lawful authorities of the Republic of Texas on the twentieth of June, 1838, to General Sam. Houston, for military services from November, 1835, to October, 1836, for twelve hundred and eighty acres of land, being No. 3,894, be and the same is hereby approved and declared to be a valid and just claim from its date against the State of Texas, and the Commissioner of the General Land Office is hereby authorized to issue a patent on the same to the heirs of Sam. Houston, deceased.

Mr. Hamilton of Travis moved a suspension of the rules for consideration of declaration.

Rules suspended.

Declaration read and agreed to.

Mr. Johnson of Harrison moved a further suspension of the rules to put the declaration on its passage.

Rules suspended.

Declaration read third time and passed.

Mr. Carter introduced the following resolution:

Resolved, That this Convention take a recess from Monday, thirty-first August, to the first Monday in December, 1868.

Mr. Carter moved a suspension of the rules to take up resolution.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Burnett, Carter, Cole, Curtis, Fayle, Flanagan, Gaston, Harris, Harn, Hunt, Johnson of Harrison, Keigwin, Kendal, Kirk, Leib, Lippard, Long, McCormick, McWashington, Morse, Munroe, Newcomb, Oaks, Patten, Pedigo, Slaughter, Talbot, Thomas, Wilson of Brazoria, Wilson of Milam, Yarborough—38.

Nays—Messrs. Buffington, Caldwell, Constant, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Johnson of Calhoun, Jordan, Kealy, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Vaughan, Watrous, Whitmore, Williams, Wright —25.

Rules not suspended.

Mr. Flanagan introduced the following resolution:

Resolved, That the Secretary be required to issue to the copying clerk assisting the secretaries, a certificate for his pay at four dollars per diem from the date of his employment.

Mr. Flanagan moved a suspension of rules to take up resolution.

Rules suspended.

On motion the resolution was referred to the Committee on Contingent Expenses.

Mr. Munroe introduced the following declaration, and asked its reference to the Committee on Internal Improvements.

A DECLARATION

Supplemental to the declaration in relation to railroads, declared August 10, 1868.

SECTION 1. *Be it further declared*, That the right of way intended to be granted by said declaration shall extend to the width of two hundred and fifty feet, for the purpose of a double track; and where it runs through the public lands, the State grants it in full property; and where the same runs through the lands of individuals, said company may acquire the same by purchase or condemnation under the law.

SEC. 2. The said International Pacific Railway Company shall have the further right to extend two branches of said road from points of intersection to the Gulf of Mexico, with all the rights and franchises which appertain to the main trunk of said road.

SEC. 3. And the line of said International Pacific Railroad, in Texas, is more clearly defined, to commence at or near a point on the east boundary line of the State, where the States of Arkansas and Louisiana join, and to run south-west to the Rio Grande, to or near Laredo; and to aid in the construction of said road, and enable the company to furnish homesteads to freedmen and other operatives upon the road, there is hereby reserved to said company all public unlocated land for twenty miles on each side of said line, to aid in the construction and maintenance of the road, in the way of timber, stone, lime and fuel; and if the company complete said road between said points within six years from date, its right to the public land within said reservation shall become absolute.

SEC. 4. Said company shall have the right to vary the guage of said road and branches in Texas, so as to correspond with the uniform guage from Cairo, without impairing the right of said company to the benefits granted to other railroads by the general laws of Texas, which shall include the right of constructing and operating telegraph lines along said road and branches; of building the necessary switches, turn-outs, stations, machine shops; of purchasing, selling and disposing of lands; of acquiring and using wharves and depots and wharf privileges; of establishing and maintaining all the necessary agents to carry on their business, and exercising in Texas all the grants and franchises which shall be conceded by Congress and the Mexican government in aid of the great work of constructing an International Pacific Railroad from Cairo to the Pacific ocean.

It was so referred.

On motion the rules were suspended to receive the report of the special committee appointed to inquire into the murder of Captain D. M. Hart, by the rebels, with accompanying declaration.

AUSTIN, August 21, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The special committee appointed to "investigate the circumstances of the murder of Captain Martin D. Hart, of Hunt county, during the rebellion, and to report the same to this Convention, with suitable resolutions," have discharged their duties in the premises, and beg leave to report herewith the testimony of Wm. H. Graham, Sergeant-at-Arms of this Convention, and a gentleman who surrendered with Captain Hunt, as giving full details of the circumstances of the murder, and which is the only evidence, outside of mere hearsay, that the committee could obtain. The committee also report herewith a preamble and resolutions which they respectfully recommend be adopted.

The committee do not deem it necessary to comment upon the horrible murder of Captain Hart. Let the facts, as detailed by the eye-witness, and which, we doubt not, can be fully confirmed by the testimony of other living eye-witnesses, suggest their own comments. We would state, however, that Captain Hart was a highly respected and honored citizen of his section, and, before the war, had enjoyed the honor of serving his fellow-citizens in the legislative councils of our State; and that we deem it proper that the loyal people of Texas, whose true friend he was until his death, should pay a tribute of respect to his memory, and tender to his bereaved family and friends their sympathies.

Very respectfully,
A. M. BRYANT,
Chairman.

RESOLUTIONS.

WHEREAS, Hon. Martin D. Hart, of Hunt county, Texas, Captain of Company A, First Texas Cavalry, U. S. A., was, on the twenty-first day of January, 1863, at or near Fort Smith, Arkansas, most foully murdered by a company of rebel officers and men, for no other crime than his loyalty to his government; therefore, be it

Resolved, That in the death of Captain Hart the loyal people of Texas lost a true and tried friend, and the people of his immediate section an honorable and much respected citizen.

Resolved, That the loyal people of Texas deeply sympathize with the bereaved widow and children and relatives of the deceased; and, in behalf of the loyal people, we hereby offer our condolence in their sad bereavement.

Resolved, That a copy of these resolutions, signed by the President and Secretary, be forwarded to Mr. Hart, at Greenville, Hunt county, Texas.

Mr. Caldwell moved a suspension of rules to consider the declaration.

Rules suspended.

Declaration read a second time and agreed to.

Mr. Bryant of Grayson moved a further suspension of the rules to put declaration on its passage.

Rules suspended.

Declaration read third time and passed.

Mr. Caldwell moved a suspension of the rules to take up the following resolution:

WHEREAS, There is no jail in the county of Montgomery, and the employment of guards for prisoners is bankrupting said county; therefore, *Be it declared by the people of Texas in Convention assembled*, That the Commanding General of the Fifth Military District of the United States be, and he is hereby respectfully requested, to relinquish the State taxes for the year 1867 not yet collected, and the taxes for the year 1868, to the said county of Montgomery, for the purpose of erecting a jail.

Rules suspended.

Declaration read and agreed to.

Mr. Caldwell moved a further suspension of the rules to put declaration on its passage.

Rules suspended.

Declaration read third time and passed.

Mr. Smith of Galveston, offered the following declaration:

DECLARATION.

Be it declared by the people of Texas in Convention assembled:

That John C. Watrous, District Judge of the United States District Court of the Eastern District of the State of Texas, has been requested by the State of Texas to resign, and has been unanimously recommended to be impeached for high crimes and misdemeanors by the Judiciary Committee of the United States House of Representatives of the Thirty-fourth and Thirty-sixth Congress of the United States, it is, therefore, the sense of this Convention, in vindicating the purity of the Bench, as well as in the maintenance of the integrity of the judicial officers of Texas, that it is the duty of Congress to again investigate the grave charges made against John C. Watrous, with a view to their final disposition.

Mr. Varnell moved the rejection of the declaration.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Gaston, Goddin, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Calhoun, Jordan, Keigwin, Kirk, Leib, Lindsay, Long, Mackey, McCormick, Morse, Mundine, Munroe, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Slaughter, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—51.

Nays—Messrs. President, Curtis, Johnson of Harrison, Kendal, Lippard, McWashington, Newcomb, Oaks, Patten, Ruby, Smith of Galveston, Williams—12.

So the Convention rejected the declaration.

Mr. Davis of Nueces called up the report of the special committee appointed to report upon the communication and declaration laid before the Convention by his Excellency ex-Governor E. M. Pease.*

Mr. Burnett moved that the substitute for the first clause of the declaration reported by the majority of the committee be laid upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Boyd, Bryant of Grayson, Buffington, Burnett, Flanagan, W. Flanagan, Fleming, Gaston, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Kealy, Keigwin, Kirk, Lindsay, Morse, Munroe, Phillips of San Augustine, Posey, Rogers, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wright—31.

Nays—Messrs. President, Bledsoe, Bryant of Harris, Butler, Caldwell, Carter, Constant, Curtis, Fayle, Foster, Goddin, Hunt, Johnson of Calhoun, Jordan, Kendal, Leib, Mackey, McCormick, McWashington, Newcomb, Patten, Phillips of Wharton, Ruby, Slaughter, Smith of Marion, Talbot, Watrous, Whitmore, Williams, Wilson of Milam—30.

So the amendment was laid upon the table.

Mr. Burnett moved that the first clause of the original declaration be adopted.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Bryant of Grayson, Buffington, Burnett, Caldwell, Constant, Fayle, Flanagan, Flanagan W., Fleming, Foster, Hamilton of Travis, Harris, Harn, Johnson of Calhoun, Kealy, Kirk, Leib, Lindsay, Long, Mackey, McCormick, Morse, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Smith of Galveston, Stockbridge, Thomas, Varnell, Watrous, Wilson of Brazoria, Wilson of Milam—39.

Nays—Messrs. President, Bryant of Harris, Butler, Curtis, Gaston, Goddin, Hunt, Johnson of Harrison, Jordan, Kendal, Newcomb, Oaks, Patten, Ruby, Slaughter, Smith of Marion, Talbot, Whitmore, Williams, Wright—20.

So the Convention agreed to the first clause.

Mr. Caldwell moved that the blank be filled by $50,000.

Mr. Davis, of Nueces, offered the following amendment:

And provided, That the State, through the Governor, shall be authorized to terminate such lease at any time on giving six months notice, in case it should prove, on trial, that this system of lease is inexpedient, or hurtful to the interests of the State, or the inmates of the Penitentiary.

The question recurred upon the adoption of the amendment.

It was not agreed to.

Mr. Munroe offered the following amendment:

And the Governor shall be empowered to insert such other terms in the contract as he may deem of interest to the State, which do not conflict with the rules herein prescribed.

The amendment was adopted.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Burnett moved a suspension of the rules to put declaration on its passage.

Rules suspended.

The declaration was passed.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
August 22, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

The president announced the business in order was section seven of the report of the Judiciary Committee,* upon the amendment to section seven, offered by Mr. Board.

Upon the adoption of the amendment, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bledsoe, Board, Bryant of Grayson, Constant, Flanagan, Flanagan W., Harris, Jordan, Mundine, Rogers, Talbot—12.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter,

---

*For report see page 465.

Cole, Curtis, Degener, Downing, Fayle, Fleming, Gaston, Goddin, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kendal, Leib, Lindsay, McWashington, Morse, Muckleroy, Munroe, Newcomb, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Ruby, Schuetze, Scott, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—50.

So the Convention refused to adopt the amendment.

Mr. Lindsay offered the following amendment to section seven:

At the end of first line insert "causes;" at the beginning of thirteenth line, the words "for the;". in the same line after the word appointing, "of;" after "guardians" insert "for the;" after "granting" insert "of;" and in sixteenth line after the word "and" insert "for."

The question recurred upon the adoption of the amendment.

It was adopted.

The section as amended was adopted.

Mr. Wright moved the previous question upon the adoption of section eight.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Main question ordered.

The question recurred upon the adoption of the section.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter Cole, Constant, Downing, Fayle, Flanagan, Flanagan W., Foster, Goddin, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Leib, Lindsay, Long, McWashington, Munroe, Newcomb, Pedigo, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Scott, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—49.

Nays—Messrs. Bledsoe, Board, Boyd, Bryant of Harris, Butler, Curtis, Degener, Gaston, Harris, Hunt, Kendal, Morse, Oaks, Patten, Whitmore, Yarborough—16.

So the Convention adopted the section.

Mr. Patten moved to strike out the words "judge thereof" in the first line, and insert "Governor of the State."

The amendment was not agreed to.

Mr. Kirk offered the following amendment:

Strike out, in first and second lines, the words "be appointed by the judge thereof," and insert "shall be elected by the qualified electors in each county."

Mr. Whitmore offered the following amendment:

Strike out in first line all after the words "shall be," and insert "elected by the qualified electors;" in second line strike out all after "years," in third line strike out so as to include "minutes of the court."

Ruled out of order.

The question recurred upon the adoption of the amendment.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Carter, Cole, Constant, Curtis, Degener, Downing, W. Flanagan, Foster, Goddin, Harris, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kirk, Lippard, Long, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Patten, Phillips of San Augustine, Rogers, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—49.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Buffington, Caldwell, Fayle, Flanagan, Fleming, Hamilton of Travis, Harn, Johnson of Calhoun, Leib, Lindsay, Newcomb, Patten, Scott, Stockbridge, Vaughan, Varnell, Yarborough—19.

So the amendment was adopted.

Mr. Buffington moved the previous question.

Previous question seconded.

The question recurred "shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Degener, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Long, McCormick, McWashington, Morse, Pedigo, Phillips of Wharton, Rogers, Ruby, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—43.

Nays—Messrs. President, Bell, Board, Boyd, Bryant of Harris, Butler, Constant, Curtis, Goddin, Harris, Hunt, Johnson of Harrison, Kirk, Muckleroy, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Schuetze, Smith of Marion, Sumner, Thomas, Whitmore, Wilson of Milam, Yarborough—26.

So the main question was ordered.

The question recurring upon the adoption of section nine as amended, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Curtis, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harn, Johnson of Calhoun, Jordan. Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, McCormick, McWashington, Morse, Mundine, Pedigo, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright —45.

Nays—Messrs. President, Bledsoe, Board, Bryant of Grayson, Constant, Degener, Goddin, Harris, Hunt, Johnson of Harrison, Lippard, Muckleroy, Munroe, Newcomb, Patten. Phillips of San Augustine, Smith of Marion, Sumner, Thomas, Whitmore, Williams, Yarborough—22.

So the section was adopted.

Mr. Sumner gave notice that he would introduce a resolution providing for the adjournment of the Convention until the second Monday in January, 1869.

Mr. Lindsay moved to strike out the words "shall not be," in third line of section ten, and insert the words "are not."

Adopted.

The question recurring upon the adoption of the section as amended, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President. Armstrong of Lamar, Bell, Bledsoe, Board. Bryant of Harris, Buffington, Burnett, Caldwell, Constant, Carter, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Muckleroy, Mundine, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright —56.

Nays—Messrs. Armstrong of Jasper, Bryant of Grayson, Goddin, Harris, Patten, Whitmore, Williams, Yarborough—8.

So section ten as amended was adopted.

Mr. Smith, of Galveston, moved to amend by striking out the words "whenever he may be interested," in first line of section eleven.

Lost.

The question recurring upon the adoption of section eleven, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Foster, Goddin, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, McWashington, Morse, Muckleroy, Mundine, Munroe, Patten, Pedigo, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson of of Brazoria, Wilson of Milam, Wright, Yarborough—59.

Nay—Whitmore—1.

So the section was adopted.

Mr. Wilson of Brazoria offered the following amendment to section twelve.

Amend by striking out all in first and second lines before the words, "each judicial district," and add, "There shall be a district attorney elected by the qualified electors of."

Mr. Buffington moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Buffington, Burnett, Caldwell, Carter, Fayle, W. Flanagan, Fleming, Foster, Hamilton of Travis, Horne, Johnson of Calhoun, Jordan, Kealy, Leib, Lindsay, McWashington, Munroe, Phillips of Wharton, Posey, Stockbridge, Talbot, Vaughan, Yarborough—25.

Nays—Messrs. President, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Cole, Constant, Curtis, Downing, Flanagan, Goddin, Harris, Harn, Hunt, Johnson of Harrison, Keigwin, Kendal, Kirk, Lippard, McCormick, Morse, Muckleroy, Mundine, Patten, Phillips of San Augustine, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—39.

So the Convention refused to lay the amendment upon the table.

The question recurred upon the adoption of the amendment.

It was adopted.

The question recurred upon the adoption of section twelve as amended.

It was adopted.

Mr. Patten offered the following amendment to section thirteen;

Strike out "four thousand five hundred dollars" and insert "three thousand five hundred dollars," and insert "two thousand dollars." Add in fourth line "or increased," after the word "diminished."

Mr. Flanagan moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Board, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Curtis, Degener, Fayle, Flanagan, W. Flanagan, Fleming, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kendal, Leib, Lindsay, McCormick, McWashington, Muckleroy, Munroe, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Stockbridge, Vaughan, Watrous, Wilson of Brazoria, Wright—37.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Bryant of Grayson, Butler, Cole, Constant, Downing, Foster, Goddin, Harris, Hunt, Jordan, Lippard, Morse, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Williams, Wilson of Milam—26.

The question recurring upon the adoption of the section, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Board, Buffington, Burnett, Caldwell, Curtis, Degener, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Kealy, ,Keigwin, Kendal, Leib, Lindsay, McCormick, McWashington, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Stockbridge, Wilson of Brazoria, Wright—34.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Bryant of Grayson, Butler, Carter, Cole, Constant, Downing, Goddin, Harris, Hunt, Jordan, Lippard, Morse, Muckleroy, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Williams, Wilson of Milam, Yarborough—28.

So the section was adopted.

Section fourteen, on motion, was adopted.

Mr. Flanagan moved a reconsideration of the vote adopting the section.

Carried.

Mr. Lindsay moved to strike out in first line of section fourteen the words "or district attorneys."

Carried.

Section fifteen, on motion, was adopted.

Mr. Bledsoe moved to strike out section sixteen.

Lost.

Section sixteen, on motion, was adopted.

Section seventeen, on motion, was adopted.

Mr. Smith of Galveston offered the following amendment:

Strike out all after the word "be" in the first line, to the end of line, and insert "elected by the qualified voters of such county."

Mr. Flanagan moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bryant of Grayson, Buffington, Caldwell, Carter, Constant, Fayle, Fleming, Hamilton of Travis, Horne, Johnson of Calhoun, Lindsay, Munroe, Phillips of Wharton, Posey, Scott, Stockbridge, Varnell, Vaughan—19.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Bryant of Harris, Butler, Burnett, Cole, Curtis, Degener, Downing, Flanagan, W. Flanagan, Foster, Goddin, Harris, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Long, McCormick, McWashington, Morse, Muckleroy, Mundine, Newcomb, Patten, Phillips of San Augustine, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—49.

So the Convention refused to lay the amendment upon the table.

By consent, Mr. Smith withdrew his amendment.

Mr. McCormick offered the following amendment:

Strike out all after "county," in the first line, to the word "who" in the second line, and insert, "shall be elected by the qualified voters thereof;" and in third line strike out "said" and insert "the district," and after the word "court," in third line, insert "for said county."

The amendment was adopted.

Mr. Degener moved to strike out all after the word "court," in third line, to "process," in fourth line.

Mr. Lindsay moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong, of Lamar, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Downing, Fayle, W. Flanagan, Foster, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Lindsay, Long, McCormick, McWashington, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Posey, Rogers, Scott, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—49.

Nays—Messrs. President, Degener, Flanagan, Fleming, Goddin, Harris, Keigwin, Kirk, Lippard, Morse, Newcomb, Patten, Ruby, Smith of Marion, Sumner, Whitmore, Williams—17.

So the main question was ordered.

The question recurring upon the adoption of section eighteen as amended, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Fayle, Flanagan, W. Flanagan, Foster, Hamilton of Travis, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, McCormick, McWashington, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Posey, Rogers, Ruby, Scott, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Vaughan, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—50.

Nays—Messrs. President, Boyd, Degener, Fleming, Goddin, Hunt, Johnson of Harrison, Lippard, Long, Morse, Newcomb, Smith of Marion, Whitmore, Williams—14.

So section 18 was adopted.

Mr. Bryant, of Grayson, offered the following amendment to section 19:

In fourth line, insert "four" for the word "two."

The amendment was agreed to.

Mr. Sumner offered the following amendment:

In second line, after the word "peace" insert "who shall receive a salary of not less than five hundred dollars annually."

On motion the amendment was laid upon the table.

Mr. Constant offered the following amendment:

Insert "at least" before "five," line two.

Mr. Buffington moved the previous question.

Previous question seconded.

The question recurring, "shall the main question be now put?"

The main question was ordered.

The question recurring upon the adoption of the section as amended.

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Lindsay, Lippard, Long, McCormick, McWashington, Morse, Muckleroy, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Yarborough—56.

Nays—Messrs. President, Bledsoe, Boyd, Harris, Keigwin, Kirk, Smith of Marion, Sumner, Whitmore, Williams, Wright—11.

So section 19 was adopted.

Mr. Buffington moved the adoption of section 20.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Boyd, Bryant of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Calhoun, Johnson of Harrison, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Long, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—57.

Nays—Messrs. President, Board, Harris, Newcomb, Smith of Marion, Sumner, Whitmore—7.

So section 20 was adopted.

Mr. Constant moved to strike out the word "two" in third line in section 21, and insert "four."

The question recurred upon the adoption of the section as amended.

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Boyd, Bryant of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Downing, Fayle, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Leib, Lindsay, Long, McCormick, McWashington, Morse, Muckleroy, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Wilson of Baazoria, Wilson of Milam, Wright, Yarborough—52.

Nays—Messrs. President, Board, Harris, Hunt, Kirk, Newcomb, Smith of Marion, Thomas, Whitmore, Williams—10.

Section 21 was adopted.

Section 22, on motion, was adopted.

Section 23, on motion, was adopted.

Mr. Sumner offered the following as a proposed new section:

All county and district officers, whose removal is not otherwise provided for, may be removed on conviction by a jury, after indictment for malfeasance, nonfeasance or misfeasance in office.

The question recurred upon the adoption of the proposed new section.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kirk, Leib, Lindsay, Long, McWashington, Mundine, Munroe, Newcomb, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Thomas, Varnell, Wilson of Brazoria, Wright—50.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Boyd, Butler, Fayle, Harris, Morse, Muckleroy, Phillips of Wharton, Scott, Vaughan, Whitmore, Williams, Wilson of Milam, Yarborough—15.

So the section was adopted as section twenty-four.

Mr. Smith of Galveston moved that the rules be suspended to take up the report from the special committee.

Rules suspended.

Mr. Phillips of Wharton, from the special committee appointed to inquire into the right of certain delegates to a seat, reported as follows:

COMMITTEE ROOM,
August 21, 1868.

HON. E. J. DAVIS,
President of the Convention:

SIR: Your special committee appointed to investigate the right of certain gentlemen to seats on this floor having attended to that duty, respectfully report that they have investigated the case of William Keigwin, who has been representing Leon county as a member of the Convention, and find, from the official records of the Bureau of Civil Affairs, that the said Wm. Keigwin was a registrar and President of the Board; also acted as clerk of the revision. That the said Keigwin was the presiding Judge of Election to this Convention; and the committee would respectfully call the attention of the Convention to section six of circular sixteen, dated Headquarters District of Texas, Galveston, May 16, 1867, as follows: "No supervisor, registrar or clerk shall be a candidate for any office while engaged as such, and each will be held to a rigid accountability for the performance of his duties, and be subject to trial by military commission for fraud or partial conduct."

* * * * * * *

Mr. Smith of Galveston offered the following resolution:

Resolved, That William Keigwin holds a seat in this Convention in violation of a military order, and the seat thus held is declared by this Convention vacant.

On motion, the Convention adjourned until four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. Phillips of San Augustine offered the following:

DECLARATION.

WHEREAS, There is no jail in the county of San Augustine, in this State; and

WHEREAS, The said county is and has been, for a number of years, unable to meet her liabilities; and

WHEREAS, The almost total failure of crops in said county in 1867 has left the people thereof in very embarrassed circumstances; therefore,

Be it declared by the people of Texas in Convention assembled, That Brevet Major-General J. J. Reynolds, Commander of the Fifth Military District, be requested to order the relinquishment of the State tax due the State from said county, for the years 1867 and 1868, to San Augustine county, for the purpose of building a jail in said county.

Mr. Phillips of Wharton moved the rules be suspended to consider resolution.

Rules not suspended.

Mr. McCormick introduced the following:

DECLARATION.

WHEREAS, it is probable that this Convention will adjourn at an early day, to re-assemble about the beginning of the ensuing winter, and that the Congress of the United States will be in session during the recess of the Convention.

Resolved, That it is the sense of this Convention that the reconstruction of loyal government in this State, the public tranquility, and the general welfare of the people would be greatly promoted by sending to the city of Washington competent persons, who shall be members of this body, authorized by this Convention to confer with the President and Congress of the United States, and the General of the army, in relation to the condition and wants of the people of the State, until such time as this Convention shall re-assemble.

Resolved, That, for the purpose set forth in the foregoing resolution, the Hon. Andrew J. Hamilton, and the Hon. Colbert Caldwell shall proceed to the National Capital immediately upon the adjournment of this Convention, to co-operate with the Hon. Morgan C. Hamilton, whose previous appointment by this body is hereby continued.

Resolved, That the Commanding General of the Fifth Military District is hereby requested to appropriate the sum of three thousand dollars out of any moneys in the treasury not otherwise appropriated, to defray the expenses of the said three commissioners; the said sum to be equally divided between them.

Resolved, That this Convention reposes entire confidence in Brevet Major-General J. J. Reynolds; and that, in the appointment of the above-named commissioners, it is the desire of the Convention to co-operate with him in his present earnest and patriotic efforts to discharge efficiently the trust reposed in him.

Mr. McCormick moved a suspension of rules to take up declaration.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Board, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Carter, Curtis, Fayle, Flanagan, Fleming, Foster, Goddin, Horne, Johnson of Calhoun, Kealy, Kendal, Leib, Lindsay, Long, McCormick, Mc-

Washington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Varnell, Watrous, Wilson of Brazoria, Wright—36.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Butler, Cole, Constant, Downing, Harris, Harn, Jordan, Keigwin, Kirk, Lippard, Morse, Muckleroy, Newcomb, Oaks, Patten, Rogers, Thomas, Whitmore, Williams, Wilson of Milam—24.

So the Convention refused to suspend rules.

Mr. Downing called up the report of the Committee on Federal Relations, with accompanying declaration, providing for the granting of land to soldiers and their heirs, from the State of Texas, in the war for the suppression of the rebellion.

[Mr. Phillips, of San Augustine, in the chair.]

Mr. Davis, of Nueces, offered the following amendment:

Third line, section one, insert, after the word "force," "purporting to be from Texas."

The amendment was adopted.

Mr. Davis of Nueces offered the following amendment:

At the end of section first add:

"And the Legislature is directed to provide a bounty in money for each non-commissioned officer, or pivate, in any of the above organizations, who served one year or more, one hundred dollars, and for each non-commissioned officer, or private, who served less than one year, fifty dollars; such bounty to go to the heirs of same in case of their decease."

The amendment was adopted.

Mr. Davis, of Nueces, offered the following as a substitute for section five of the declaration:

"That the Secretary of State is hereby directed to procure from the Secretary of War of the United States, a true copy or copies of the muster rolls of the Texas organizations in the service of the United States, and have the same filed in the Executive Office of the State of Texas."

The substitute was adopted.

Mr. Smith, of Marion, moved the previous question.

Previous question seconded.

The question recurred: "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bledsoe, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter Constant, Curtis, Downing, Fayle, Fleming, Foster, Goddin, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Lippard, Long, McCormick, McWashington, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—46.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Cole, W. Flanagan, Keigwin, Morse, Muckleroy, Varnell—9.

Mr. Burnett asked to be excused from voting.

Excused.

Mr. Lindsay asked to be excused from voting.

Excused.

Mr. Stockbridge asked to be excused from voting.

Excused.

Mr. Thomas asked to be excused from voting.

Excused.

Messrs. Hamilton, Davis, Slaughter and Hunt, being interested, were excused from voting.

The main question was ordered.

The question recurred upon the adoption of the declaration as amended.

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bledsoe, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Constant, Curtis, Downing, Fayle, Fleming, Foster, Goddin, Hamilton of Travis, Harn, Johnson of Harrison, Jordan, Kealy, Kendal, Leib, Lippard, Long, McCormick, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Smith of Galveston, Smith of Marion, Talbot, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—44.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Cole, Keigwin, Morse, Muckleroy, Varnell—8.

Mr. Hamilton, of Travis, moved a suspension of rules to take up declaration.

Rules suspended.

Mr. Hamilton, of Travis, offered the following amendment:

First section insert "non-commissioned" before word "officer," in first line; also, strike out word "officer" before "non-commissioned officer," in second line.

Mr. Smith, of Marion, moved to lay the amendment upon the table.

Carried.

Mr. Johnson, of Calhoun, offered the following amendment:

Amend by doubling the amount of the land which is to be granted, and strike out all that portion which contemplates giving money.

On motion the amendment was laid on the table.

Mr. Phillips, of San Augustine, offered the following amendment:

Provided, that those who joined the army and served as a substitute for any other person, shall not be entitled to the benefit of the foregoing resolution.

Mr. Smith, of Marion, moved to lay the amendment upon the table.

Carried.

Mr. Smith, of Galveston, moved the previous question upon the final passage of the declaration.

Previous question seconded.

The question recurred: "Shall the main question be now put?"

Main question ordered.

The question recurring upon the adoption of the declaration, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bledsoe, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Constant, Curtis, Downing, Fayle, Fleming, Foster, Goddin, Johnson of Harrison, Jordan, Kendal, Leib, Lippard, Long, McCormick, McWashington, Mundine, Munroe, Newcomb, Oaks, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—45.

Nays—Messrs. Armstrong of Jasper, Boyd, Board, Cole, W. Flanagan, Keigwin, Morse, Muckleroy, Varnell—9.

So the declaration as amended was passed.

Mr. Patten moved to adjourn until Monday morning, at nine o'clock.

Lost.

Mr. Fayle called up the report of the Committee on Internal Improvements, upon the motion to reconsider the vote laying the report upon the table, and the motion to lay that motion on the table.

The question recurred upon the motion to lay the motion to reconsider the motion upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Burnett, Cole, Keigwin, Kendal, Lippard, Morse, Newcomb, Oaks, Patten, Smith of Marion, Talbot, Thomas, Whitmore, Wilson of Milam—18.

Nays—Messrs. Armstrong of Lamar, Bell, Board, Bryant of Harris, Bryant of Grayson, Buffington, Butler, Caldwell, Carter, Curtis, Fayle, Flanagan, W. Flanagan, Fleming, Goddin, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Johnson of Calhoun, Kealy, Leib, Lindsay, Long, McCormick, McWashington, Mundine. Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Stockbridge, Varnell, Watrous, Williams, Wilson of Brazoria, Wright—42.

So the Convention refused to lay on the table.

The question recurred upon the motion to reconsider.

The Convention agreed to reconsider the vote laying the vote laying the report upon the table.

The question recurred upon the adoption of the substitute offered by Mr. Caldwell.

Substitute adopted.

Mr. Caldwell moved to strike out all that portion of the substitute in relation to the Buffalo Bayou, Brazos and Colorado Railroad.

The motion prevailed.

Mr. Davis moved to insert in section third: "On the 1st day of March, A. D. 1868.

The question recurred upon the adoption of the declaration as amended.

It was adopted.

The question recurred upon the declaration in relation to the Houston Tap Railroad.

Mr. Davis moved to strike out section five of the declaration.

Carried.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Smith, of Galveston, moved a suspension of the rules to put declaration on its final passage.

Rules suspended.

Mr. Caldwell offered the following amendment to section two of first declaration:

Amend the second section of the first declaration so that it shall read as follows:

It shall be the duty of the Governor, as soon after the passage of this declaration as may be consistent with his other official duties, to cause said railroads to be advertised for sale, for sixty days, in the following named newspapers, to-wit: The San Antonio Express, The Austin Republican, Flake's Galveston Bulletin, the Galveston News, the National Index, at Tyler, Smith county, and some newspaper in the city of Marshall, in Harrison county, and also for forty days in some leading newspaper in the city of New York. The sale shall take place on the steps of the Capitol, in the city of Austin, between the hours of ten o'clock A. M., and two o'clock P. M., under the direction of the Governor. The said roads shall be sold separately. The sale shall transfer to the purchaser all the property in the road; and of the company to which the bonds executed for the loan of the special school fund are a lien, as set forth in the third section of the act of the thirteenth of August, A. D. 1856, concerning the loan of the school fund.

Mr. Armstrong, of Lamar, moved to strike out "Galveston News," and insert "Paris Vindicator."

Accepted.

Mr. Talbot moved to amend by inserting one leading paper in Philadelphia and Boston.

Mr. Slaughter moved to insert the McKinney Messenger.

Accepted.

The question recurred upon the adoption of the amendment.

It was adopted.

Mr. Caldwell offered the following amendment to section six of the first declaration:

Amend the sixth section of the declaration, by adding to it the following:

And any person or persons who may purchase said roads, or either of them, from the Governor, under the provisions of this section, shall be required to deposit in the treasury of the State, for the Texas and New Orleans roads, the sum of one hundred thousand dollars in United States currency; and, for the Southern Pacific road, the sum of twenty thousand dollars in United States currency. Said deposits shall be upon the consideration, which shall be expressed in the contracts, that, when the purchaser of either of said roads shall have expended an amount equal to the amount deposited, in making proper repairs upon the roads, said purchaser shall have the right to withdraw one-half of the amount deposited, upon the certificate of the Governor; and when a further sum, equal to the whole amount of the sum originally deposited, shall be expended by the purchaser in making proper repairs upon the roads, then said purchaser shall have the right to withdraw the remainder of the deposit, upon the certificate of the Governor. And it shall also be stipulated that if the purchaser making the deposit, as above provided, shall fail to make proper repairs upon the road purchased, equal in value to the amount deposited, within six months from the time such purchaser shall obtain possession of the road purchased, then the sum deposited shall be absolutely forfeited to the State; and it shall be further provided in any contract which the Governor may make with any purchaser of either of said roads, that if said purchaser shall fail to comply with the engagement to put the road purchased in good running order, for the use of the public, within the time agreed upon in the contract, then the road shall be forfeited to the State, and the Legislature, at its first session thereafter, shall declare the forfeiture, and make such disposition of the road as may be deemed most beneficial to the State. Having respect to all the provisions of this section, the Governor is hereby authorized to sell said roads to such person or persons as shall, in his judgment, offer the greatest advantages to the State.

The question recurred upon the adoption of the amendment.

It was adopted.

The question recurred upon the adoption of the declaration as amended.

It was adopted.

The question recurred upon the adoption of the declaration respecting the Houston Tap railroad.

It was adopted.

On motion, the Convention adjourned until Monday morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
August 23, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Munroe asked leave of absence for Messrs. Burnett and Talbot after Wednesday.

Leave granted.

Mr. Smith, of Galveston, offered the following resolution:

Resolved, That this Convention take a recess on Monday, August 31, until the second Monday in December, and until next Saturday the Convention will hold additional sessions from eight to ten at night.

On motion, the rules were suspended to take up resolution.

Mr. McCormick moved to amend by inserting "third Monday in November."

Mr. Smith, of Marion, moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Boyd, Caldwell, Carter, Constant, Degener, W. Flanagan, Fleming, Glenn, Grigsby, Hamilton of Travis, Hunt, Keigwin, Kendal, Kuechler, Lippard, McWashington, Morse, Munroe, Newcomb, Patten, Phillips of San Augustine, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Thomas, Whitmore, Wilson of Milam—31.

Nays—Messrs. Armstrong of Lamar, Bellinger, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Cole, Curtis, Fayle, Flanagan, Foster, Goddin, Harris, Harn, Horne, Johnson of Harrison, Jordan, Kealy, Kirk, Leib, Lindsay, Long, Mackey, McCormick, Mundine, Posey, Rogers, Ruby, Scott, Stockbridge, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—38.

So the Convention refused to lay on the table.

Mr. Caldwell offered the following substitute:

Resolved, That this Convention will take a recess from Monday, the thirty-first of August, until the first Monday in December next, subject to be convened at an earlier period by a committee of four members, to be appointed by the Convention, and the President, if, in the judgment of said committee, the public interest should require it.

Mr. Hamilton, of Travis, moved to amend by inserting "first Monday in December.

Accepted.

Mr. Bryant, of Grayson, moved to lay the substitute on the table.

Mr. Smith, of Marion, moved the previous question.

Not seconded.

Upon the motion to lay the substitute upon the table, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Burnett, Cole, Fayle, W. Flanagan, Glenn, Goddin, Harris, Keigwin, Morse, Patten, Phillips of San Augustine, Smith of Marion, Varnell, Whitmore—21.

Nays—Messrs. Armstrong of Lamar, Bellinger, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Constant, Curtis, Degener, Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—50.

So the Convention refused to lay the substitute upon the table.

The question recurred upon the adoption of the substitute.

It was adopted.

Mr. Smith, of Galveston, offered the following amendment:

"And that until Saturday next the Convention shall hold extra sessions from eight to ten o'clock at night."

Mr. Patten moved to lay the amendment upon the table.

Mr. Thomas moved to substitute Wednesday next instead of Monday next.

Mr. Carter moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Board, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leib, Lindsay, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Watrous, Williams, Wilson of Milam—49.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Boyd, Bryant of Grayson, Burnett, Degener, Fayle, W. Flanagan, Glenn, Hunt, Keigwin, Kirk, Morse, Newcomb, Patten, Sumner, Thomas, Vaughan, Whitmore, Wilson of Brazoria, Wright, Yarborough—26.

So the amendment was laid upon the table.

Mr. Sumner moved to adjourn until the first Monday in January.

Withdrawn.

Mr. Buffington moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bellinger, Bledsoe, Board, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Constant, Curtis, Degener, Evans of Titus, Fayle, Flanagan, Fleming, Goddin, Grigsby, Hamilton of Travis, Harn, Horn, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McCormick, McWashington, Mundine, Munroe, Newcomb, Patten, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—56.

Nays—Messrs. President, Armstrong of Jasper, Bell, Boyd, Bryant of Grayson, Burnett, Cole, W. Flanagan, Foster, Glenn, Harris, Keigwin, Morse, Phillips of San Augustine, Smith of Marion, Sumner, Varnell, Whitmore—18.

So the main question was ordered.

The question recurred upon the passage of the resolution, as amended.

It was adopted.

Mr. Talbot moved to take up the report of the Committee on Education.

Lost.

Mr. Caldwell moved to take up the report of the Committee on Political and Legislative.*

Carried.

---

* For report see page 561.

Messrs. Lippard and Patten asked leave to be excused.

Carried.

Mr. Smith, of — ——, moved that the reading of the report of the Committee on Political and Legislative be dispensed with.

Lost.

Section one, on motion, was adopted.

Section two, on motion, was adopted.

Mr. Buffington moved to strike out the brackets around the word "all" in third line.

Carried.

Mr. Thomas moved to strike out the word "all."

Carried.

Section three, on motion, was adopted.

Mr. Hamilton, of Travis, moved to amend by striking out the word "biennial" in third line.

Carried.

Mr. Armstrong moved to strike out the word "four" and insert "two" in second line.

Mr. Butler moved to lay the amendment on the table.

Lost.

The question recurring upon the adoption of the amendment, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Board, Bryant of Grayson, Burnett, Carter, Cole, Constant, Evans of Titus, Flanagan, W. Flanagan, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Hunt, Johnson of Harrison, Jordan, Kealy, Keigwin, Keuchler, Kirk, Leib, Lindsay, Mackey, McWashington, Morse, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Smith of Galveston, Sumner, Talbot, Thomas, Vaughan, Watrous, Whitmore, Wilson of Milam, Wright—44.

Nays—Messrs. Bell, Bellinger, Bledsoe, Bryant of Harris, Buffington, Butler, Degener, Fayle, Foster, Fleming, Kendal, Long, Phillips of San Augustine, Ruby, Slaughter, Smith of Marion, Stockbridge, Varnell, Yarborough—19.

So the amendment was adopted.

Mr. Varnell offered the following substitute for section five:

No person shall be a representative who has not been a citizen of the United States for five years, and three years a resident of Texas, and the last year preceding his election a resident of the county or district he may be chosen to represent, and shall be a qualified elector as provided in this Constitution.

Mr. Whitmore moved to lay the substitute upon the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris. Butler, Burnett, Carter, Constant, Degener, Fayle, Foster, Goddin, Grigsby, Hamilton of Travis, Hunt, Johnson of Harrison, Jordan, Kendal, Keuchler, Leib, Lindsay. Long, McWashington, Mundine, Munroe, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Watrous, Whitmore, Williams, Wright—38.

Nays—Messrs. Armstrong of Jasper, Bellinger, Board, Boyd, Bryant of Grayson, Buffington, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming. Glenn, Harris, Harn, Johnson of Calhoun, Kealy, Keigwin, Kirk, Mackey, Morse, Phillips of San Augustine, Phillips of Wharton, Scott, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Wilson of Milam, Yarborough—30.

So the substitute was laid on the table.

Mr. Flanagan offered the following substitute:

No person shall be a representative unless he be a citizen of the United States and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a citizen of the county, city or town for which he shall be chosen, and shall have attained the age of twenty-one years at the time of his election

Mr. Butler moved the previous question.

Previous question seconded.

The question recurred "shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bledsoe, Bryant of Harris, Butler, Burnett, Carter, Constant, Curtis, Degener, Fayle, Foster, Goddin, Hamilton of Travis, Hunt, Johnson of Harrison, Kealy, Kendal, Keuchler, Leib, Lindsay, Long, McWashington, Munroe, Newcomb, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Talbot, Watrous, Whitmore, Williams, Wright—35.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Grayson, Buffington, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Glenn, Grigsby, Harris, Harn, Johnson of Calhoun, Jordan, Keigwin, Kirk, Mackey, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Wilson of Milam, Yarborough—35.

So the Convention refused to order the main question.

Mr. Smith, of Galveston, moved the adoption of the substitute offered by Mr. Flanagan, of Rusk.

Mr. Smith, of Marion, moved to lay the amendment on the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bell, Bellinger, Bledsoe, Bryant of Harris, Butler, Constant, Curtis, Degener, Fayle, Foster, Goddin, Hunt, Johnson of Harrison, Kendal, Keuchler, Lindsay, Long, Munroe, Newcomb, Ruby, Slaughter, Smith of Marion, Talbot, Whitmore, Williams—26.

Nays—Messrs Armstrong of Jasper, Armstrong of Lamar, Board, Boyd, Bryant of Grayson, Buffington, Carter, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Glenn, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Mackey, McWashington, Morse, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Wilson of Milam, Wright, Yarborough—42.

So the Convention refused to lay the substitute upon the table.

The question recurred upon agreeing to the substitute.

It was agreed to.

The question recurred upon the adoption of the substitute for section five.

It was adopted.

Section six, on motion, was adopted.

Mr. Smith, of Galveston, moved to strike out section seven.

Carried.

Section eight, on motion, was adopted.

Mr. Butler moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurred upon the adopton of section nine.

It was adopted.

Mr. Hamilton moved a reconsideration of the vote adopting section six.

Carried.

Mr. Hamilton, of Travis, offered the following substitute for section six:

All elections for State, district, and county officers, except justices of the peace, shall be held at the county seats of the several counties, until otherwise provided by law, and the polls shall be opened for four days from eight o'clock, A. M., until four o'clock, P. M., each day.

The substitute was agreed to.

The question recurred upon the adoption of the substitute as section six.

It was adopted.

Section ten, on motion, was adopted.

Mr. Smith, of Galveston, moved to strike out the word "three" in section eleven.

Upon motion, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Burnett, Carter, Cole, Constant, Curtis, Degener, Evans of Titus, Fayle, Flanagan, Fleming, Foster, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Kirk, Lindsay, Long, Mackey, McWashington, Morse, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright, Yarborough—61.

Nays—Messrs. Boyd, Keigwin, Mundine, Slaughter, Smith of Marion—5.

So the amendment was agreed to.

Section eleven as amended, on motion, was agreed to.

On motion, section twelve was stricken out.

Mr. Carter moved to strike out "every ten years" in section thirteen.

Lost.

Section thirteen, on motion, was adopted.

Section fourteen, on motion, was adopted.

Mr. Sumner offered the following amendment to section fifteen:

And shall have residence in the district in which he shall have been elected one year next preceding the day of his election.

Adopted.

Mr. Butler moved to amend by inserting "twenty-one" instead of "twenty-five."

Mr. Flanagan offered the following substitute:

No person shall be a senator unless he be a citizen of the United States, and shall have been a citizen of this State three years next preceding the election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of twenty-five years.

The substitute was agreed to.

The question recurred upon the adoption of the substitute as section fifteen.

It was adopted.

Mr. Sumner moved to amend by inserting the words "a majority," in place of "two-thirds," in line four, section eighteen.

Lost.

Section eighteen, on motion, was adopted.

Mr. Buffington asked leave of absence for himself this morning.

Leave granted.

Mr. Whitmore asked leave of absence for Messrs. Constant and Ruby.

Leave granted.

Mr. Sumner moved to strike out all in section nineteen after the word "number."

The amendment was agreed to.

Upon motion, section nineteen, as amended, was agreed to.

Mr. Schuetze was excused from the morning's session.

Section twenty, on motion, was adopted.

Section twenty-one, on motion, was adopted.

Section twenty-two, on motion, was adopted.

Section twenty-three, on motion, was adopted.

Section twenty-four, on motion, was adopted.

Mr. Lindsay offered the following amendment to section twenty-five:

"Except when a call of either House, and when there is an executive session of the Senate."

Amendment adopted.

Section twenty-five, as amended, was adopted.

Section twenty-six, on motion, was adopted.

The President announced the following communication from Major General J. J. Reynolds, commanding Fifth Military District:

HEADQUARTERS FIFTH MILITARY DISTRICT,
State of Texas,
Austin, Texas, August 24, 1868.

Hon. E. J. DAVIS,
President of Constitutional Convention,
Austin, Texas:

SIR: I have the honor to acknowledge the receipt of a resolution of the Convention, passed on the twentieth instant, asking my approval of an additional appropriation of twenty-five thousand dollars to defray expenses.

The Convention has been in session about eighty-five days, and has expended an appropriation of one hundred thousand dollars.

The present state of the treasury, the rate at which money is coming in, and the prospective current wants of the State, forbid the appropriation of any more money from the treasury for the expenses of the Constitutional Convention.

The resolution is respectfully returned without approval.

I am, sir,

Very respectfully,
Your obedient servant,
J. J. REYNOLDS,
Brevet Major General U. S. Army,
Commanding.

Section twenty-seven, upon motion, was adopted.

Section twenty-eight, upon motion, was adopted.

Section twenty-nine upon motion, was adopted.

Section thirty, upon motion, was adopted.

Section thirty-one, upon motion, was adopted.

Section thirty-two. upon motion, was adopted.

Mr. Flanagan moved to strike out from the word "term," in third line, to the word "except," in sixth line.

Amendment agreed to.

Section thirty-three, as amended, was adopted.

Section thirty-four, upon motion, was adopted.

The President announced the death of Mr. Oaks, a member of the Convention.

On motion the Convention adjourned until Monday morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
AUGUST 25, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. McCormick asked leave of absence for Mr. Fayle, indefinitely.

Leave granted.

Mr. Armstrong of Jasper asked leave of absence for Messrs. Evans of Titus, Muckleroy and Gaston.

Mr. Caldwell moved a suspension of the rules to introduce the following

DECLARATION.

Be it declared by the people of Texas in Convention assembled:

That the assessors and collectors of the several counties of this State are required to collect a tax of twenty cents on the hundred dollars worth of property, assessed for State taxes for the year 1868, to pay fees, salary, compensation of delegates and agents, and contingent expenses of this Convention, which assembled by virtue of an act of the Congress of the United States, passed March 23, 1867, entitled "An act supplementary to an act entitled, an act to provide for the more efficient government of the rebel States," passed March 2, 1867, and to facilitate restoration.

Section 1. That the taxes herein levied shall be collected and returned by the first day of December, 1868, and the Comptroller shall take all necessary steps and prescribe rules to insure the prompt and efficient collection of the same.

Sec. 2. That the sum of five thousand dollars is hereby appropriated, or so much thereof as may be necessary, for the purchase of books, printing blanks, purchase of stationery, clerk hire, and for contingencies that may arise which are necessary to carry into effect this declaration.

Sec. 3. The Comptroller is hereby required to keep a separate account of all taxes received under this declaration, and the assessors and collectors shall be entitled to commission for collecting the taxes herein levied, as follows: at eight per cent. on the first thousand dollars; at five per cent. on the second thousand dollars; at four per cent. on the third, fourth and fifth thousand dollars; at three per cent, on the sixth, seventh, eighth, ninth and tenth thousand dollars, and one per cent. on all sums over ten thousand dollars.

Sec. 4. The taxes herein levied shall be collected in the same manner as is now provided for the collection of State taxes by the laws in force.

Sec. 5. That all appropriations drawn from the State Treasury for the use of this Convention, shall be reimbursed the State out of the taxes herein levied, and this declaration shall be in force from its passage.

Upon the question to suspend the rules, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Constant, Curtis, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Long, McCormick, McWashington, Mundine, Munroe, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Milam, Wright—48.

Nays—Messrs. President, Armstrong of Jasper, Bryant of Grayson, Cole, Degener, Hunt, Keigwin, Newcomb, Patten—9.

Rules suspended.

Mr. Wright offered an amendment, which was laid on the table.

Mr. Munroe moved the previous question.

Previous question seconded.

The question recurred: "Shall the main question be now put."

The main question was ordered.

The question recurring upon the second reading of the declaration, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Brown, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Foster, Goddin, Grigsby, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Kirk, Leib, Lindsay, Long, McCormick, McWashington, Mundine, Munroe, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Milam—39.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Board, Board, Bryant of Grayson, Cole, Constant, Degener, Downing, W. Flanagan, Fleming, Harn, Hunt, Kealy, Keigwin, Kuechler Newcomb, Patten, Whitmore, Wright—21.

So the declaration passed a second reading.

Mr. Caldwell moved a suspension of the rules to put the declaration on its passage.

Rules suspended.

Mr. Smith, of Galveston, moved the previous question, upon the final passage of the declaration.

Previous question seconded.

The question recurred, "shall the main question be now put?"

So the main question was ordered.

The question recurred upon the final passage of the declaration.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Bryant of Harris, Buffington, Butler, Burnett, Caldwell, Carter, Curtis, Fayle, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Kirk, Leib, Lindsay, McWashington, Mundine, Munroe, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Milam—39.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Cole, Constant, Downing, W. Flanagan, Fleming, Harn, Hunt, Kealy, Keigwin, Kuechler, Newcomb, Patten, Wright—20.

So the declaration was adopted.

Mr. Johnson, of Calhoun, moved to reconsider the vote adopting the resolution ordering the taking a recess by the Convention, upon the 31st of August.

Mr. Newcomb offered the following resolution:

WHEREAS, It has pleased the Almighty God in His divine providence to take from this world the Hon. Wm. E. Oaks, a delegate of this Convention; therefore, be it

Resolved by this Convention, That we bow in humble submission to the decree of the Omnipotent in the death of our brother delegate Wm. E. Oaks.

Resolved, That in the death of Captain Oaks, as a defender of the Union and a loyal citizen, Texas has lost one of her truest sons.

Resolved, That we deeply deplore his sudden death, and tender his surviving relatives and friends our sincere condolence in their sad affliction.

Resolved, That these resolutions be spread upon the minutes of this Convention, and a copy furnished the wife of the deceased.

On motion, the resolutions were adopted.

Mr. Hamilton, of Travis, asked for leave of absence for Mr. Leib.

Leave granted.

On motion the Convention adjourned until four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. McCormick, chairman of the Committee on Contingent Expenses, offered the following report and accompanying declaration:

COMMITTEE ROOM,
Austin, August 24, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The Committee on Contingent Expenses, to whom was referred a resolution in reference to the payment of a copying clerk, &c., have had the same under consideration, and beg leave to report that they find that J. F. Stokes has been engaged in copying the journals since 15th day of July, 1868, that his services were needed on account of the great pressure which the business of the Convention has put upon the secretaries; and that said J F. Stokes has rendered efficient as well as necessary service; the committee have, therefore, unanimously instructed me to report the resolution back to the Convention, with the recommendation that it do pass.

A. P. McCORMICK,
Chairman.

Resolved, That the Secretary be required to issue to the copying clerk, assisting the secretaries, a certificate for his pay, at four dollars per diem, from the date of his employment.

Mr. Patten moved a suspension of the rules to take up the resolution.

Rules suspended.

And resolution agreed to.

Mr. Patten moved a further suspension of the rules, to put resolution on its passage.

Rules suspended.

Resolution read and passed.

Mr. Armstrong, from the special committee, to whom was referred the petition of John Jackson and others, reported as follows:

COMMITTEE ROOM,
Austin, August —, 1868.

Hon. E. J. DAVIS,
President of the Convention:

The undersigned, of your special committee of three, to whom was referred the petition of John Jackson and others, praying that a new county be created, including territory which now forms part of the counties of Polk, Walker, Montgomery and Liberty, with due respect, say they have examined the petition, and decline recommending the creation of such new county, for several reasons, among which are the following:

The petition does not show who of these signers live in Liberty county, or in which of said counties the signers respectively live.

It does not show that there are a sufficient number of voters in said territory as required in such organization.

Mr. Pedigo, one of this committee, fails to recognize any of these signers as citizens of Liberty county, which he has the honor to represent in this body. The undersigned do not feel free to recommend the transfer of the jurisdiction of any portion of said county without first giving the citizens of each and all of said counties full time and opportunity to present all objections which they may have.

And further say, that the creation of such new county will reduce these counties to a diminutive size, (Liberty county contains an area of 1,600 square miles, Polk 1,188, Walker 854, and Montgomery 852,) and may operate to the removal of the respective county seats of said counties; and furthermore, we believe that it will be better policy, and more likely to give satisfaction to the people by the postponement of further action in this respect till the next meeting of this body, affording thereby an opportunity to present their objections, understanding that there are objections to such new county, not yet fully presented.

And this committee respectfully ask to be discharged from the further consideration of the same.

ARMSTRONG, of Jasper.
H. C. PEDIGO.

Mr. Boyd made the following minority report from the Committee on Penitentiary:

To the Hon. E. J. DAVIS;
President of the Convention:

As one of the committee appointed to visit the State Penitentiary, I respectfully present the following minority report. I cannot concur in the majority report, believing that the statements which, by implication, reflect upon the character of different agents, are unjust:

In a former report from the committee, a full statement as to the convicts, etc., has been presented, and that subject will not again be particularly noted. I dissent from the majority because,

FIRST, The report, after speaking of the salary of the present Superintendent, and proceeds arising from board of guard, reflects to some extent upon this officer. In my intercourse with Mr. Bell, and my examination of his books, I found him to be using all his energy to administer the institution economically and prudently, providing, as far as he could, with the limited means at his disposal, for the health and comfort of the convicts. I found nothing in his official acts, as well as private intercourse, derogatory to the character of a gentleman. The fact that the guard board with him, and his provisions are purchased by the wholesale, is no evidence of malfeasance. This was the custom long before he came into the office; and, from my observation, the guard should board where they do, and be subject to his control at all times, he being charged with the grave responsibility of safely keeping the convicts. If any of them are dissatisfied with their boarding house, as seems to be the case in the majority report, the service is not compulsory, and they can leave and find service elsewhere. Others can be employed. I do not think it prudent or advisable for the guard to be allowed to scatter around promiscuously, and probably be absent at some critical moment. What I have said of Mr. Bell can be justly applied to Colonel Sinks, the Financial Agent. From what I could learn from a limited acquaintance, and, laboring as he does under the pressure of limited finances, he deserves at least credit for his acts.

In the majority report another reflection is made in reference to the administration of the previous financial agent, Dr. Dickson, whose acts and accounts I have, with some care, inquired into. It is shown that, from September, 1866, to July, 1867, the average price paid for cotton was seventeen cents per pound, and the operation following that in September or October, 1866, cotton could be had at seven to nine cents. This may be so. I did not inquire; but it is not material. It has not been long since the store-room and cotton there were burned. There is no provision for insurance; and no law I know of authorizes the agents to go in debt and pay ten to twelve per cent. interest on the money necessary to pay for a year's supply of cotton in order to get it cheap. The agent had to take the cotton at the price it bore in the market, as he needed and could purchase; and the implication that the loss of the difference in fluctuation of the value of cotton is chargeable to him is unjust. I have examined his vouchers upon which his books are based, and find no grounds for complaint. Nor is the agent culpable because, at the advance of cotton, he purchased cotton and run the factory, when, as shown in the report of the majority, the depreciation in price of fabrics reduced sales to below the actual value of raw material, without reference to wear and tear of merchandise and full labor; and, though the institution be leased out, I do not see that these difficulties can be solved or obviated. I have, so far as I could do so, examined the vouchers, books and accounts of the previous agent, Dickson, and find no discrepancy or malfeasance; and, though his books may not be as perfect as the rules of counting houses require, I found them neat, balanced, and closed, making a fair and honest showing of his business. Each item in the books, so far as I could observe, was supported by proper vouchers; and the statement in the majority report that $14,034, of funds received, is not shown on his books, and he is thereby guilty of culpable neglect, is error.

The report is cautiously worded, refusing to directly say his books are evidence of malfeasance, but states just enough to leave that impression on the mind, and do injustice to a man whose honor is unimpeached. His reports up to July, 1867, were made out together with a full statement of the superintendent, showing the internal working of the institution, and finances, up to that date. The vouchers neatly filed, numbered and abstracted, accompanied the same, and was passed upon by the Comptroller, W. L. Robards. no error being found, and I found none since that period, and up to the time he left his office. His report was also made out in proper form, consisting of vouchers, abstracts, specie and merchandize, accounts and final account of merchandize and account current. This last report was presented to the directors appointed by Governor Pease, and they declined examining the same, though urged by the agent. The refusal caused delay, and so it remained, as under the law, before the financial agent's account can be admitted in the Comptroller's office, it must be examined and approved by the directory. This subsequent report and the books for that period I have looked into and find no error. The vouchers and reports are in the Comptroller's office, and any one can examine as to the correctness of my statements. The amount, $14,034, omitted, as stated in the majority report, is accounted for by proper vouchers. It is true Perkins, Swenson & Co., and the others, are not charged on the books of the agency, for, as I understand the books, Dickson never sent them any goods, and, as in case of the others, the funds came into their hands as agents of McMahon & Co., and is accounted for to Dickson in his report. And I do not see any sense in encumbering the books with duplicate accounts relating to the same matter, which is embraced and fully accounted for in Dickson's account with McMahon, and shown by return sales of McMahon & Co., which are inrtoduced as vouchers to his report. I cannot see any secret suppression in the matter, and the imputation, unless better founded, I cannot endorse. I do not know what other members of the committee have done, but having the interests of the State on one side and the integrity of its officers on the other, have tried to get at the facts, and do justice to both. Nor do I concur in the idea that because offices which necessitate confidence in men and whenever there is a chance to steal from the public it is never passed, and that, therefore, all officials are rascals, and the judgment upon their character is by consent. I do not endorse this, though I know or believe that bad men do get into office as well as good men.

The want of harmony and system in the administration of the institution, and of proper order and rules in the accounts and vouchers, is the result of defective laws and the ever changing and vaccillating policy of appointing new officials. By the time one agent begins to learn his duty, and from experience be able to provide for the demands upon him, he is ousted, and some new aspirant, who, perhaps, unable to make a living by honest labor, or to manage his own finances (if he ever had any) is put to school to learn at the expense of the State the duties of the position. I find this to be the history of that institution, and unless some wholesome change be made, and these difficulties obviated, the institution will always be bankrupted. To this cause do I attribute the confusion that has prevailed there. It is evident that the institution has within the last eighteen months sustained heavy losses in the sale of its manufactured fabrics, but to give any positive reason is not so easy, showing how and why it occurred, as several causes seem to be blended. The overflow of Galveston damaged one hundred and fifty-eight bales of goods, as shown in McMahon's account, but to what extent is not known, as the committee have taken no proof on the subject. I find no report of any Board of Survey assessing the loss by that. Another fact, all cotton fabrics in the fall of 1867 fell very much below their usual standard, and sales made at this period did not realize the cost of raw material by perhaps one or two per cent. It was error, perhaps, in the agent, not restricting the sale of the goods in the hands of his agents, McMahon & Co., but at the time he was prostrate with yellow fever, and when he could act had his own and the duties of superintendent to discharge. The new appointees by Governor Pease, in consequence of yellow fever, failed to come. The clerk ran away from the fever, the guard sickened and died, and the financial agent had to telegraph to Galveston for a guard that was fever proof, and finally, when stricken down by the disease himself, he employed General Besser's former financial agent to keep the books and attend to the duties of the office, refusing to close the office notwithstanding his own life was endangered, and knowing he had been removed, he still remained at his post and did his duty. But few men would have done this, and the statement of the facts is sufficient evidence of his integrity.

I attach a copy of the agreement with McMahon & Co., in regard to the sale of the goods. I am no commercial man, but think the latitude allowed them in the sale of the goods consigned to them rather unlimited, but from the papers, if any culpability exists, it must attach to them, unless they can show that at the time the goods were forced upon the market, and sacrificed by them at prices less than the cost of the raw material, (which they must have known) and that it was to meet an actual demand for money by the financial agent, which they did not have to advance, they ought to be accountable for the deficit.

The policy of the agent to consolidate the sales, was, I think, better than to scatter them over the country and bring different agents of the same goods in competition. In my examination of the charges of McMahon & Co., I do not think, in every instance, they correspond with his written undertaking, and should be inquired into. I am informed by parties that McMahon & Co. were to make regular returns to the agent, showing his accounts, but had it been done during the prevalence of the epidemic, the agent could not have attended to it then, being prostrate with fever. Another cause of heavy expenditure, with no corresponding income from the same source, was the surplus convicts, some 150 or 160, that, under Throckmorton's administration, were hired to work on the railroads, and the State Penitentiary thus relieved of that expense, were thrown back upon the institution to be clothed and supplied with medicines, and no employment for them; and here it will be well to observe, that in order to avoid the gradually increasing surplusage of idle hands that must be fed, clothed, etc., the institution must be enlarged or a new one erected.

It was my intention to present specie reports, showing quarterly receipts of expenditures and receipts during the administration of Dickson and the present incumbent; but it could not be done in the limited time allowed me, as I had no clerk. I could, therefore, only compare the books and vouchers and examine the report of the agent as heretofore stated.

It will take a good accountant at least one month to make out the papers for such a report. But to give an idea of the working capacity of the institution, I will state that in the year 1867 the factory produced 1,401,65 yards, viz: 1,203,430 yards osnaburgs, 53,810 yards cotton jeans, 86,180 yards of woolen kersey, 13,463 yards of woolen plaids, 3,024 yards of sheeps' gray. Besides this it produces a large quantity of thread of various kinds, manufactures some furniture, plows, shoes and hats. The expense per quarter is from $40,000 to $70,000, varying in proportion to the amount of supplies and material. The 1,401,065 yards, at an average value, would yield, at twenty cents, the annual sum of $280,-213 00. But it must be remembered that a large amonnt of the fabrics are consumed annually in clothing, &c., but against this stands the receipts of other materials and manufactured articles. From this rough estimate it will be observed that if the institution could be disencumbered of old debts and the surplus hands, and a settled policy adopted, it should yield some revenue to the State. Under the present law the financial agent has to pay sheriffs and guards for transportation of convicts to the Penitentiary, and this is a heavy item of expense. As an instance, from Brownsville, on the Rio Grande, last year, was sent, at one time, forty-two convicts, from one term of the district court there. The expense and mileage of sheriffs and guards cost the Penitentiary $3,776 32 in gold, and the charge was reduced at that.

It seems to me that a change in the law in this respect is necessary, and require each county to meet these expenses and thus relieve the Penitentiary of the burden.

With proper regulations, and a stable financial policy, a revenue annually will be paid to the State by that institution.

Very respectfully submitted,

J. B. BOYD.

We concur in the above report with J. B. Boyd.

C. T. DUVAL,
— HARN,
J. R. SCOTT.

Reading dispensed with and ordered to be printed.

Mr. Goddin made the following report from the Special Committee respecting petition from citizens of Polk county for the creation of San Jacinto county:

COMMITTEE ROOM,
Austin, August —, 1868.

Hon. E. J. DAVIS,
President of the Convention:

The undersigned, appointed on a special committee, to whom was referred a declaration and petition of the people of Polk county, praying the creation of a new county out of a part of Polk, Walker, Montgomery and Liberty counties, as defined by petition of said citizens of said parts of counties, beg leave to report that the inhabitants of said territory are subjected to many and serious difficulties to the interest of the loyal people of said territory. Outside of heavy ferriage in crossing and re-crossing Trinity river, there are many other streams of a difficult crossing in high water, which are frequently dangerous and impossible to cross. They are, also, at such a remote distance from their respective county sites as to render it impossible to attend courts, or other proceedings at their county sites, without incurring such expense as in their impoverished condition they are not able to incur. The minority of your committee, therefore, beg leave to report and recommend that this prayer of said petitioners to establish the new county of "San Jacinto" be granted by the Convention.

M. H. GODDIN,
for Minority.

Mr. Flanagan, from the Committee on Internal Improvements, reported as follows:

COMMITTEE ROOM,
Austin, Texas, August 24, 1868.

Hon. E. J. DAVIS,
President of the Convention:

Sir: Your committee have had before them a petition presented by the Hon. W. Bledsoe, of Dallas county, signed by many persons, asking the Convention to levy a tax of $5000, in specie, or to authorize the county court of Dallas to do so, and to tax the citizens of the town of Dallas sixty cents on the $100 and the people in the body of the county twenty cents on the $100, for the purpose of cleaning out a portion of Trinity river.

Your committee are of opinion that they have no power in this State to regulate the currency of the United States, and that the specie claim goes beyond our power. They are of the further opinion, that they would not, under any circumstances, have the power to tax the citizens of the town of Dallas as petitioned for, sixty cents on the $100, and the citizens of the body of the county twenty cents on the $100. The premises considered, they instruct me to report back the declaration, leaving the whole matter with the county court and people of Dallas county, and that it do not pass this Convention.

All of which is respectfully submitted.

J. W. FLANAGAN,
Chairman of Committee on Internal Improvements.

Mr. Flanagan made the following additional report from the same committee:

COMMITTEE ROOM,
August 25, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your committee have had before them a declaration supplemental to a declaration in relation to railroads, dated August 10, 1868.

Upon the investigation of this subject the committee arrived at the conclusion that not only the railroad interest required the relief sought in this declaration, but that it is a conclusive fact that to the State it is also, certainly, a great enterprise such as this contemplated, is entitled to ground for a double track; and as the claim for land, so far as the eastern portion of the State is concerned, it is a matter of little importance, as there are no vacant lands in that range of country.

Your committee are further informed upon this subject, that in the west, in the range proposed for this road, that the domain is all, or a large portion, taken up in large Mexican grants; but they do not pretend to be well informed upon the subject. Many of the delegates, we presume, are.

The premises all considered, your committee, or a large majority of them, instruct me to report back the ordinance, and recommend the adoption of the same.

All of which is respectfully submitted.

J. W. FLANAGAN,
Chairman of Committee on Internal Improvements.

Mr. Kirk introduced the following declaration, and asked its reference to the Committee on Internal Improvements.

DECLARATION

Respecting the Central Railroad Company.

WHEREAS, The Houston and Texas Central Railway Company has become the owner, by purchase, of the Washington County Railroad; and

WHEREAS, The said Houston and Texas Railway Company, and the Washington County Railway Company, were indebted, on the first day of March, A. D. 1868, to the State of Texas, for sums borrowed from the Special School Fund, in the sum of $539,074.96, and are further indebted for accrued interest since the first day of March, 1868; and

WHEREAS, The said Houston and Texas Central Railway Company is desirous to extend the Washington County Branch to the city of Austin as soon as it can be done, and to build their main trunk to Red river in the shortest time possible and upon the best ground, and to strike said river at such point as will enable said company to form a connection with any railroad that may be built southward from Kansas, or Missouri, to Red river; and

WHEREAS, The ability of said company to build said main trunk and branch roads would be greatly increased by the consent of the State to exchange the six per cent. bonds of said companies for the seven per cent. gold bearing bonds of the said Houston and Texas Central Railway Company; and

WHEREAS, It is believed that such exchange can be made without, in any manner, endangering the security of the School Fund;

Therefore be it declared by the people of Texas in Convention assembled:

That the Washington County Railroad is hereby declared to be a branch of the Houston and Texas Central Railroad, and shall henceforth be known and called the Western Branch of the Houston and Texas Central Railway, and shall be controlled and managed by the said Houston and Texas Central Railway Company; and the said Houston and Texas Central Railway Company shall have the right to extend the said western branch of their road from the town of Brenham, in Washington county, to the city of Austin, by the most eligible route, as near an air-line as may be practicable.

Second. That it is hereby made the duty of the Provisional Governor to accept, from the Houston and Texas Central Railway Company, the seven per cent. land grant, sinking fund, first mortgage, gold-bearing bonds of said company for the whole amount of principal and interest due to the State from the said Houston and Texas Central Railway Company and the said Washington County Railway Company, on the first day of July, A. D. 1868; and to cancel the bonds now held by the State against said companies.

Third. The Houston and Texas Central Railway Company is hereby authorized to build its main trunk from its present northern terminus, by the most eligible route, to be selected by the engineer or engineers of the company, to any point on Red river, within thirty miles of the town of Preston, in Grayson county.

Fourth. This declaration shall take effect from and after its passage.

KIRK.

It was so referred.

Mr. Patten offered the following

DECLARATION.

WHEREAS, The following named railroad companies were, on the first day of March last, indebted to the Special School Fund of the State of Texas the following amounts:

Houston and Texas Central Railroad Company: principal, $599,164.35; interest, $108,191.21; total, $707,255.56.

Buffalo Bayou, Brazos and Colorado Railroad Company: principal, $420,000; $177,819.25; total, $597,819.25.

Washington County Railroad Company: principal, $66,000; interest, $24,775.16; total, $90,775.16. And

WHEREAS, Said companies have, and do, refuse to settle and pay the interest due the said School Fund; therefore, be it

Resolved, First—That the Provisional Governor of the State of Texas be, and he is hereby authorized and instructed to proceed against said railroad companies, according to law, for the collection of the principal and interest, as stated above.

Resolved, That the above named railroad companies have forfeited their charters, for non-compliance with the terms thereof.

Resolved, That twenty-five thousand dollars, or so much thereof as may be necessary. be, and is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to carry out the above resolutions.

Mr. Patten moved a suspension of the rules for the consideration of the resolution.

The Convention refused to suspend the rules.

Mr. Talbot offered the following declaration:

WHEREAS, There is now in the Treasury of the State of Texas the sum of fifty-nine thousand four hundred and seventy-nine dollars in specie, belonging to the common School Fund, which is drawing no interest;

Therefore, be it declared by the people of Texas in Convention assembled, That the Provisional Governor be, and he is hereby authorized and requested to invest the sum of fifty-eight thousand dollars of said amount in United States bonds, so that said sum may be drawing interest thereon, for the benefit of the common School Fund of the State.

Mr. Talbot moved a suspension of the rules to put declaration on its passage.

Rules suspended.

Mr. Wilson, of Brazoria, was excused from attendance this evening.

Mr. Caldwell moved to insert the words "gold bearing bonds."

Amendment agreed to.

The question recurred upon the adoption of the resolution.

It was adopted.

Mr. Johnson, of Calhoun, moved a further suspension of the rules to put declaration on its passage.

Rules suspended.

Declaration read and adopted.

Mr. Harn introduced the following declaration:

SECTION 1. *Be it declared by this Convention*, That T. C. Harn, and such other persons as he may associate with himself, are hereby incorporated under the name of the "Navasota, Washington and Brazos Bridge Company," and under such name shall sue and be sued, and have succession for thirty years.

SEC. 2. Said company shall have the right to construct a bridge of iron or wood across the Brazos river, at or near where the road from Navasota crosses the Brazos River, to the town of Washington, in Washington county, Texas.

SEC. 3. Said company shall construct said bridge in a good and substantial manner, within three years from the 1st day of January, A. D. 1869, and shall keep the same in good repair for the term of thirty years from the completion thereof, and to be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge, and be responsible as common carriers under the law for any loss of property in transit over said bridge.

SEC. 4. That said company shall be entitled to charge and receive, from the completion of said bridge, for the term of thirty years, the following tolls from all persons who may cross themselves or their property, viz: four-horse or ox stage, or wagon, loaded, fifty cents; for six-horse or ox stage, or wagon, loaded, seventy-five cents; for each additional pair of horses, mules, or oxen, attached to said wagons, twenty-five cents; for man and horse, fifteen cents; single horse and buggy, thirty cents; two-horse buggies, two-horse or ox wagon, fifty cents, other vehicles in proportion; footman, five cents; cattle, five cents per head; hogs, sheep and goats, two cents per head; and all other property not mentioned in proportion to the above rates.

SEC. 5. That no other bridge shall be constructed across the said Brazos river, for the space of thirty years, within three miles, on a straight line up and down said Brazos river, from said bridge which said Navasota, Washington and Brazos Bridge Company may construct, and this declaration shall be and have effect from and after its passage.

Mr. Harn moved a suspension of the rules for the consideration of the declaration.

Rules suspended.

On motion the reading of the declaration was dispensed with.

Declaration passed a second time.

Mr. Harn moved a suspension of the rules to put declaration on its passage.

Rules suspended.

Declaration read by caption, and carried.

Mr. Kealy introduced the following resolution:

Resolved, That, whereas the county sites of each county in the State of Texas that are located in the geographical center of the county, or in the limits prescribed by law, there shall not be any territory taken from said county, unless by consent of a majority of the legal voters of the county, at any general election.

Mr. Kealy moved a suspension of the rules for the consideration of the resolution.

Withdrawn.

Laid over under the rules.

Mr. Flanagan called up, under the rules, the supplemental declaration respecting the International Pacific Railroad Company.

Mr. Patten moved to lay the declaration upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bledsoe, Degener, Foster, Hamilton of Travis, Hunt, Kealy, Kuechler, Lindsay, Lippard, Long, Mackey, Newcomb, Patten, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—24.

Nays—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Brown, Bryant of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Downing, Flanagan, W. Flanagan, Fleming, Goddin, Grigsby, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Kendal, Kirk, Leib, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Scott, Slaughter, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wright—43.

So the Convention refused to lay on the table.

Mr. Hamilton, of Travis, moved to make the declaration the special order for the 10th day of December next.

Mr. Caldwell moved the previous question upon the passage of the declaration.

Previous question seconded.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Morse was excused on account of sickness.

Mr. Butler was excused on account of sickness.

The question recurred: "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bellinger, Board, Boyd, Brown, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Leib, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wright—39.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Bryant of Grayson, Degener, Downing, Fleming, Foster, Hunt, Johnson of Harrison, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, Newcomb, Patten, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam—30.

So the main question was ordered.

The question recurred upon the adoption of the declaration.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Brown, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wilson of Milam, Wright—44.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Bryant of Grayson, Burnett, Degener, Downing, Fleming, Foster, Hunt, Kuechler, Lindsay, Lippard, Long, Mackey, Newcomb, Patten, Posey, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Whitmore—26.

So the declaration was adopted.

Mr. Flanagan moved a suspension of the rules to put declaration on its passage.

Motion withdrawn.

Mr. Webster Flanagan called up the declaration respecting the Mexican Gulf Railroad Company.

Mr. Sumner moved to lay the declaration on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bledsoe, Bryant of Harris, Bryant of Grayson, Degener, Downing, Hunt, Kendal, Lippard, Long, Newcomb, Patten, Rogers, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—21.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Boyd, Brown, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Foster, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kuechler, Kirk, Leib, Mackey, McWashington, Mundine, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Scott, Smith of Galveston, Stockbridge, Varnell, Vaughan, Watrous, Williams, Wright—43.

So the Convention refused to lay on the table.

Mr. Patten moved to adjourn until to-morrow morning at nine o'clock.

Lost.

The question recurring upon the final passage of the declaration, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Boyd, Brown, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Leib, Lindsay, Mackey, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Schuetze, Smith of Galveston, Stockbridge, Sumner, Varnell, Watrous, Williams, Wright—42.

Nays—Messrs. President, Bledsoe, Bryant of Grayson, Bryant of Harris, Degener, Downing, Hunt, Kendal, Kuechler, Lippard, Long, Newcomb, Patten, Posey, Rogers, Slaughter, Smith of Marion, Talbot, Thomas, Whitmore, Wilson of Milam—21.

So the declaration was adopted.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
August 26, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Smith, of Galveston, moved to suspend the rules to take up the following resolution:

WHEREAS, This Convention having adopted a declaration to levy a tax to pay the expenses of the Convention, it is therefore

Resolved, That Brevet Major General J. J. Reynolds be requested to authorize the payment of the warrants issued to the members and officers for their pay due up to the time of the recess.

On the question to suspend the rules, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Board, Brown, Bryant of Grayson, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Curtis, Downing, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Long, Mackey, McWashington, Mundine, Munroe, Newcomb, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright —52.

Nays—Messrs. Armstrong of Jasper, Boyd, Cole, Degener, Flanagan, Keigwin, Patten, Phillips of San Augustine—9.

Rules suspended, resolution read and adopted.

Mr. Smith, of Galveston, moved a further suspension of rules to put resolution on its passage.

Rules suspended.

Mr. Buffington moved to amend by inserting the words "and officers" after the word members.

Adopted.

The question recurring upon the final passage of the resolution, it was read a third time and passed.

Mr. Smith of Galveston, moved to suspend the rules to considr the motion to reconsider the vote by which the tax bill was passed.

Rules suspended.

The question recurred upon the motion of Mr. Caldwell to lay that motion upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Board, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Curtis, W. Flanagan, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Johnson of Harrison, Johnson of Calhoun, Jordan. Kendal, Leib, Lindsay, Long, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Smith of Galveston, Stockbridge, Vaughan, Watrous, Wilson of Brazoria, Wright—33.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bellinger, Bledsoe, Boyd, Bryant of Grayson, Cole, Degener, Downing, Flanagan, Fleming, Glenn, Harn, Kealy, Keigwin, Keuchler, Kirk, Lippard, Mackey, McWashington, Newcomb, Patten, Phillips of San Augustine, Ruby, Schuetze, Slaughter, Smith of Marion, Thomas, Varnell, Whitmore, Williams, Wilson of Milam, Yarborough—34.

So the Convention refused to lay on the table.

The question recurred upon the motion to reconsider.

[Mr. Whitmore in the chair.]

Upon that motion, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Boyd, Bryant of Grayson, Butler, Carter, Cole, Constant, Degener, Downing, Flanagan, W. Flanagan, Fleming, Glenn, Kealy, Keigwin, Lippard, Mackey, McWashington, Newcomb, Patten, Phillips of San Augustine, Slaughter, Talbot, Thomas, Whitmore, Wilson of Milam, Yarborough—32.

Nays—Messrs. Board, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Curtis, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kendal, Keuchler, Leib, Lindsay, Long, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—37.

So the Convention refused to reconsider the vote adopting the tax bill.

The President announced the business in order was section thirty-five of the report of the Committee on Political and Legislative.*

---

* For report see page 561.

Section thirty-five, on motion, was adopted.

Mr. Thomas offered the following as an additional section:

It shall be the duty of the Legislature, immediately, to expel from the body any member who shall receive or offer a bribe, or suffer his vote to be influenced by promise of preferment or reward; and every person so offending and so expelled shall (forever) thereafter be disabled from holding any office of honor, trust or profit in this State..

Mr. Degener moved to amend by striking out the word "forever."

Mr. Thomas moved to lay the amendment on the table.

Lost.

The amendment was adopted.

The section as amended was adopted.

Mr. Buffington offered the following as an additional section:

SEC. —. The first Legislature shall pass such laws as will authorize the clerks of the district court, and the justice of the peace, of the several counties, to issue executions after the adjournment of each term of their respective courts, against the plaintiff and defendant for all costs created by them in any suit or suits therein.

The question being upon the adoption of the section, it was not adopted.

Section thirty-six, on motion, was adopted.

Mr. Lindsay moved to strike out the word "three" at the end of line four of section thirty-seven.

Carried.

Section thirty-seven, on motion, was adopted.

Mr. Bryant, of Grayson, moved to strike out the word "eight" and insert "six" in second line of section thirty-eight.

Mr. Munroe moved to lay the amendment on the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Brown, Buffington, Butler, Burnett, Caldwell, Carter, Degener, Downing, Flanagan, W. Flanagan, Foster, Grigsby, Hamilton of Travis Harris, Harn, Horne, Johnson of Calhoun, Jordan, Keigwin, Kendal, Keuchler, Kirk, Lindsay, Long, McWashington, Mundine, Munroe, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria—44.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Cole, Constant, Curtis, Goddin, Johnson of Harrison, Kealy, Leib, Newcomb, Patten, Phillips of Wharton, Smith of Marion, Thomas, Whitmore, Wilson of Milam, Wright, Yarborough—22.

So the amendment was laid on the table.

Mr. Degener offered the following substitute for section thirty-eight.

The members of the Legislature shall, at their first session, hereafter, receive from the treasury of the State, as their compensation, $300 annually and eight dollars for each twenty-five miles in traveling to and from the seat of government. The above rates of compensation shall remain till changed by law.

Mr. Flanagan moved the previous question on the adoption of section thirty-eight.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurring upon the adoption of section thirty-eight, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Brown, Buffington, Butler, Burnett, Caldwell, Carter, Cole, Curtis, Degener, Downing, Flanagan, W. Flanagan, Fleming, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Kirk, Leib, Lindsay, Mackey, Long, McWashington, Mundine, Munroe, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wright—51.

Nays—Messrs. President, Armstrong of Jasper, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Constant, Goddin, Newcomb, Smith of Marion, Thomas, Whitmore, Wilson of Milam, Yarborough—14.

So section thirty-eight was adopted.

Mr. Flanagan moved to strike out section thirty-nine.

The section was struck out.

Mr. Schuetze moved that the members of the special committee to visit the Blind Asylum be excused from the morning's session..

Excused.

Mr. Lindsay offered the following amendment to section forty in fifth line:

Strike out the word "proposed," in fifth line, and insert the words "thirteenth and," and at the end of the word "article" add the letter "s."

The amendment was adopted.

Section forty, as amended, on motion, was adopted.

Mr. Lindsay moved to strike out section forty-one.

The Convention agreed to strike out.

Mr. Caldwell offered the following as an additional section to the report:

SECTION —. The city of Austin is hereby declared to be the seat of government of this State until removed by an election of the people, and the title for the third of a league, surveyed by virtue of the headright certificate of Samuel Goucher, which was selected and condemned to the use of the Republic of Texas, under an act entitled "An act on the permanent location of the seat of Government," approved the fourteenth day of January, A. D. 1839, be, and the same is hereby confirmed, any irregularity or failure to make proper parties, or other defects in the proceedings had under said act, to the contrary notwithstanding; provided, nevertheless, that any person having an adverse claim to said land may, at any time within one year from the adoption of this Constitution, institute proceedings against the State in the district court of Travis county, to which all other adverse claimants, who are known, shall also be made parties, and upon the final hearing of the same, if it shall appear that the said owner of such land, at the time of its condemnation, has never received compensation therefor, he shall have judgment for compensation, as provided by an act of the Legislature of the State of Texas, entitled "an act for quieting the title to real estate in the city of Austin," approved eighteenth December, 1857, and any proceedings that may have been instituted under the thirty-third section of article third, of the so-called constitution of 1866, shall be stayed until this constitution is ratified or rejected.

Section withdrawn by consent.

Mr. Caldwell moved that the consideration of sections forty-three, forty-four, forty-five and forty-six, be postponed until after recess.

Mr. Armstrong, of Jasper, moved to strike out section forty-two.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bellinger, Board, Boyd, Bryant of Grayson, Cole, W. Flanagan, Glenn, Harris, Keigwin, Kirk—11.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Brown, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Flanagan, Fleming, Foster, Hamilton of Travis, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Leïo, Lindsay, Long, Mackey, McWashington, Mundine, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—52.

So the Convention refused to strike out.

Mr. Lindsay offered the following amendment to section forty-two in second line:

Strike out the letter "a" in second line, and insert letter "s" to the word "citizens," in said line, and insert the word "are" at the end of said line, after the word "and."

The amendment was adopted.

Mr. Varnell offered the following amendment to section forty-two.

Strike out of second line from the word "thereof" to the word "and."

Mr. Degener moved to lay the amendment on the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Brown, Bryant of Harris, Buffington, Caldwell, Curtis, Degener, Downing, Flanagan, Fleming, Foster, Glenn, Grigsby, Hamilton of Travis, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Newcomb, Patten, Phillips of San Augustine, Posey, Rogers, Ruby, Schuetze, Smith of Marion, Stockbridge, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—49.

Nays—Messrs. Boyd, Board, Bryant of Grayson, Burnett, Carter, Cole, W. Flanagan, Harris, Johnson of Harrison, Keigwin, Sumner, Thomas, Varnell—13.

So the amendment was laid upon the table.

The question recurred upon the adoption of section forty-two, as amended.

It was adopted.

The question recurred upon the motion to postpone the consideration of sections forty-three, forty-four, forty-five and forty-six.

Mr. Whitmore moved to postpone each section by a separate vote.

The question recurred upon the postponement of the consideration of section forty-three, until the tenth of December next.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Bryant of Harris, Burnett, Caldwell, Carter, Cole, Curtis, Flanagan, W. Flanagan, Fleming, Glenn, Grigsby, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Stockbridge, Sumner, Thomas, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—51.

Nays—Messrs. President, Buffington, Degener, Downing, Foster, Kuechler, Newcomb, Patten, Smith of Galveston, Smith of Marion, Varnell, Whitmore—12.

So the Convention agreed to postpone the consideration of section forty-three.

Section forty-four was postponed.

On the question to postpone the consideration of section forty-five, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Burnett, Caldwell, Carter, Cole, Curtis, Flanagan, W. Flanagan, Foster, Glenn, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Leib, Lindsay, Long, Mackey, McWashington, Mundine, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Stockbridge, Sumner, Thomas, Wilson of Brazoria, Wilson of Milam, Wright—46.

Nays—Messrs. President, Bryant of Harris, Buffington, Degener, Downing, Kuechler, Lippard, Newcomb, Patten, Varnell, Whitmore, Williams, Yarborough—13.

So section forty-five was postponed.

Section forty-six, on motion, was postponed.

Section forty-seven, on motion, was postponed.

The President announced the next business in order was the consideration of the report of the Committee on Education.

Mr. Buffington moved that the consideration of the report be made the special order for the tenth day of December next.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Cole, Flanagan, W. Flanagan, Fleming, Glenn, Hamilton of Travis, Harris, Harn, Horne, Keigwin, Kirk, Leib, Lindsay, Mackey, Newcomb, Phillips of San Augustine, Rogers, Scott, Stockbridge, Thomas, Vaughan, Wilson of Brazoria, Wright—33.

Nays—Messrs. President, Bryant of Harris, Burnett, Caldwell, Carter, Curtis, Degener, Downing, Foster, Grigsby, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Long, McWashington, Mundine, Patten, Phillips of Wharton, Smith of Galveston, Smith of Marion, Sumner, Varnell, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—30.

So the report was postponed.

Mr. Varnell moved that the vote adopting section forty-two of the report of the Committee on Political and Legislative be reconsidered.

Lost.

On motion, the Convention adjourned until four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. Jordan presented a petition from the citizens of Goliad county, asking the relinquishment of State taxes, to enable them to build a jail, and asked its reference to the Committee on State Affairs.

Mr. Horne made the following report from special committee:

COMMITTEE ROOM,
Austin, Texas, August 26, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: Your committee appointed to ascertain up to what date the reporter of this Convention has written out the speeches and debates beg leave to report that no speeches or debates have as yet been written out by the reporter in any regular order, and seventy days is estimated by the reporter as the time necessary in which to make such writing, and that he would not do the same for less than fifteen dollars per day.

Respectfully,

W. E. HORNE,
JAS. W. THOMAS.

Mr. Flanagan, from the Committee on Internal Improvements, made the following report:

City of Austin, August 26, 1868.

To the Hon. E. J. DAVIS,
President of the Constitutional Convention:

Sir: Your committee have had before them a declaration for the relief of the Texas Central Railroad, and from the testimony before your committee they find that this road is in better condition than any road in the State, and that it deserves all it asks. I am instructed by a majority of the committee to recommend the passage of the declaration.

J. W. FLANAGAN,
Chairman of the Committee.

DECLARATION

Respecting the Central Railroad Company.

Whereas, The Houston and Texas Central Railway Company has become the owner, by purchase, of the Washington County Railroad; and

Whereas, The said Houston and Texas Railway Company, and the Washington County Railway Company, were indebted, on the first day of March, A. D. 1868, to the State of Texas, for sums borrowed from the Special School Fund, in the sum of $539,674.96, and are further indebted for accrued interest since the first day of March, 1868; and

Whereas, The said Houston and Texas Central Railway Company is desirous to extend the Washington County Branch to the city of Austin as soon as it can be done, and to build their main trunk to Red river in the shortest time possible and upon the best ground, and to strike said river at such point as will enable said company to form a connection with any railroad that may be built southward from Kansas, or Missouri, to Red river; and

Whereas, The ability of said company to build said main trunk and branch roads would be greatly increased by the consent of the State to exchange the six per cent. bonds of said companies for the seven per cent. gold bearing bonds of the said Houston and Texas Central Railway Company; and

Whereas, It is believed that such exchange can be made without, in any manner, endangering the security of the School Fund;

Therefore be it declared by the people of Texas in Convention assembled:

That the Washington County Railroad is hereby declared to be a branch of the Houston and Texas Central Railroad, and shall henceforth be known and called the Western Branch of the Houston and Texas Central Railway, and shall be controlled and managed by the said Houston and Texas Central Railway Company; and the said Houston and Texas Central Railway Company shall have the right to extend the said western branch of their road from the town of Brenham, in Washington county, to the city of Austin, by the most eligible route, as near an air-line as may be practicable.

Second. That it is hereby made the duty of the Provisional Governor to accept, from the Houston and Texas Central Railway Company, the seven per cent. land grant, sinking fund, first mortgage, gold-bearing bonds of said company for the whole amount of principal and interest due to the State from the said Houston and Texas Central Railway Company and the said Washington County Railway Company, on the first day of July, A. D. 1868; and to cancel the bonds now held by the State against said companies.

Third. The Houston and Texas Central Railway Company is hereby authorized to build its main trunk from its present northern terminus, by the most eligible route, to be selected by the engineer or engineers of the company, to any point on Red river, within thirty miles of the town of Preston, in Grayson county.

Fourth. This declaration shall take effect from and after its passage.

Mr. Foster offered the following declaration, and asked its reference to the Committee on Contingent Expenses.

DECLARATION.

WHEREAS, The proprietors of Flake's Bulletin have shown the Convention the generous courtesy to send each member of the Convention one copy of their daily issue regularly, from the date of the assembling of the Convention, which compliment the Convention has heretofore properly acknowledged by a resolution of thanks; and

WHEREAS, The session of the Convention has been protracted beyond the time then contemplated by said proprietors; and

WHEREAS, Said Flake's Daily Bulletin has industriously and faithfully placed before the people of this State the actions of the Convention; therefore, be it

Resolved, That, as a further evidence of the appreciation of the courtesy shown the Convention, and of the service rendered the people of Texas by said proprietors in their furnishing the public with a full report of our proceedings, we respectfully tender to the said proprietors of said Daily Bulletin the sum of —— dollars, to be paid out of the contingent fund of the Convention.

Referred to the Committee on Contingent Expenses.

Mr. Lindsay offered the following

DECLARATION:

Be it declared by the people of Texas in Convention assembled, That the following newspapers be, and they are hereby authorized and requested to publish in the form of "extras," of their several journals, for distribution among the people, copies of the Constitution, as far as passed upon by this Convention; that is to say, that the Austin Republican publish five thousand copies for distribution among the people of the counties of Colorado, Fayette, Lavaca, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, San Saba, Lampasas, Burnett, Llano, Hays, Caldwell and Guadalupe; that the San Antonio Express publish five thousand copies for distribution in the counties of Jackson, Mason, Menard, Kendal, Edwards, Kerr, Gillespie, Blanco, Bandera, Bexar, Comal, Wilson, Gonzales, De Witt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Live Oak, Bee, Atascosa, Medina, Uvalde, Zavalla, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick, Coryell and El Paso; that the Freie Presse fur Texas publish five thousand copies for distribution among the German population in the State wherever located; that Flake's Bulletin publish five thousand copies for distribution in the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos and Washington, that the Galveston Republican publish five thousand copies for distribution in the counties of Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan, Matagorda, Wharton, Hill, Bosque and Navarro; that the McKinney Messenger publish five thousand copies for distribution in the counties of Hunt, Collin, Dallas, Tarrant, Cook, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Young, Johnson, Ellis, Erath, Wood, Hood and Taylor; that the Paris Vindicator publish five thousand copies for distribution in the counties of Davis, Bowie, Titus, Red River, Lamar, Hopkins, Kaufman, Fannin and Grayson; that the Tyler Index publish five thousand copies for distribution in the counties of Anderson, Cherokee, Harrison, Henderson, Houston, Rusk, Sabine, San Augustine, Shelby and Smith; that the Union Republican, at Huntsville, publish five thousand copies for distribution in the counties of Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Polk, Trinity, Tyler, Hardin, Chambers, Van Zandt and Wood.

That the said several newspapers distribute these "extras" published by them respectively, and present their respective accounts for liquidation and settlement at the reassembling of this Convention, in December next.

Mr. Lindsay moved that the rules be suspended to consider the declaration.

Rules suspended.

Mr. Sumner moved that the declaration be referred to the Committee on Printing.

The Convention refused to refer the declaration to the Committee.

The question recurred upon the adoption of the declaration.

It was adopted.

Mr. Jordan offered the following declaration:

Be it declared by the people of Texas in Convention assembled, That Brevet Major-General J. J. Reynolds, Commander of the Fifth Military District, be and he is hereby respectfully requested to order the relinquishment of the State tax to the county of Goliad, assessed for the year 1868, for the purpose of building a jail in and for said county; and that he be further requested to order the holding of a special term of the district court in said county, for the purpose of bringing up the docket.

Mr. Jordan moved a suspension of rules to take up the declaration.

Rules suspended.

Mr. Flanagan offered the following amendment:

Amend by adding Rusk county.

Mr. Sumner moved the whole matter be laid on the table.

Carried.

Mr. Downing offered the following declaration:

Resolved, That Mrs. Eleana Oaks, widow of W. E. Oaks, deceased, is hereby authorized to draw all pay and mileage due said W. E. Oaks.

That said Mrs. Oaks is authorized to draw pay up to the 31st day of August, 1868.

Mr. Slaughter moved to suspend the rules for the consideration of the declaration.

Rules suspended.

Resolution read and agreed to.

Mr. Smith, of Marion, offered the following amendment:

And that an appropriation be made by the Convention of three hundred dollars, or so much thereof as may be necessary, to pay all funeral expenses and erect a tombstone over his remains.

The amendment was adopted.

The question recurred upon the declaration.

It was adopted.

Mr. Degener raised a question of privilege, and requested the following declaration be published in the official newspaper of this Convention, it being omitted in the proceedings of the 21st inst.

A DECLARATION

Supplemental to a declaration in relation to railroads, declared August 10, 1868.

SECTION 1. *Be it further declared*, That the right of way intended to be granted by said declaration shall extend to the width of two hundred and fifty feet, for the purpose of a double track; and where it runs through the public lands, the State grants it in full property; and where the same runs through the lands of individuals, said company may acquire the same by purchase or condemnation under the law.

SEC. 2. The said International Pacific Railroad Company shall have the further right to extend two branches of said road from points of intersection to the Gulf of Mexico, with all the rights and franchises which appertain to the main trunk of said road.

SEC. 3. And the line of said International Pacific Railroad, in Texas, is more clearly defined, to commence at or near a point on the east boundary line of the State, where the States of Arkansas and Louisiana join, and to run south-west to the Rio Grande, to or near Laredo; and to aid in the construction of said road, and enable the company to furnish homesteads to freedmen and other operatives upon the road, there is hereby reserved to said company all public unlocated land for twenty miles on each side of said line, to aid in the construction and maintenance of the road, in the way of timber, stone, lime and fuel; and if the company complete said road between said points within six years from date, its right to the public land within said reservation shall become absolute.

SEC. 4. Said company shall have the right to vary the guage of said road and branches in Texas, so as to correspond with the uniform guage from Cairo, without impairing the right of said company to the benefits granted to other railroads by the general laws of Texas, which shall include the right of constructing and operating telegraph lines along said road and branches; of building the necessary switches, turn-outs, stations, machine shops; of purchasing, selling and disposing of lands; of acquiring and using wharves and depots and wharf privileges; of establishing and maintaining all the necessary agents to carry on their business, and exercising in Texas all the grants and franchises which shall be conceded by Congress and the Mexican government, in aid of the great work of constructing an International Pacific Railroad from Cairo to the Pacific ocean.

It was so ordered.

Mr. Slaughter rose to a question of privilege, and requested that the journal might show that, on the twenty-second of August, he moved to insert the McKinney Messenger in place of the newspaper published at Marshall, Texas.

It was so ordered.

Mr. Talbot offered the following resolution:

Resolved, That the newspapers of the State which have been requested to publish copies of the constitution for distribution, be also requested to publish, along with the constitution, the project of a common school system reported by the Committee on Education, which has not yet been acted on by the Convention, but postponed till the reassembling of this body, in December next.

By consent, the resolution was withdrawn.

Mr. Stockbridge moved to reconsider the vote postponing the consideration of the report of the Committee on Education until the tenth day of December, 1868.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bellinger, Boyd, Bryant of Grayson, Bryant of Harris, Butler, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Flanagan, Fleming, Goddin, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Leib, Lippard, McWashington, Mundine, Munroe, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—47.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Buffington, W. Flanagan, Harris, Keigwin, Lindsay, Long, Rogers, Thomas, Vaughan—13.

So the motion prevailed.

Mr. Fleming called up the report of the Committee on Counties and County Boundaries, the question being upon the third reading of the report.

Mr. Thomas moved to postpone the consideration of the subject until the tenth day of next December.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Board, Bryant of Grayson, Burnett, Constant, Degener, W. Flanagan, Kealy, Kendal, Kirk, Lindsay, Posey, Rogers, Ruby, Smith of Marion, Sumner, Thomas, Watrous, Williams, Wilson of Brazoria—22.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Curtis, Downing, Flanagan, Fleming, Foster, Goddin, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Keigwin, Leib, Lippard, McWashington, Mundine, Munroe, Newcomb, Patten, Phillips of Wharton, Schuetze, Scott, Slaughter, Stockbridge, Varnell, Vaughan, Whitmore, Wilson of Milam, Wright, Yarborough—36.

So the Convention refused to postpone.

The question recurred upon the final passage of the report.

Mr. Bryant of Grayson moved to adopt the declarations, as reported from the committee, separately.

Mr. Sumner moved a call of the House.

Call not sustained.

The question recurred upon the passage of the declaration creating the county of Webster.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Buffington, Caldwell, Carter, Cole, Curtis, Downing, Flanagan, Fleming, Foster, Goddin, Harris, Harn, Jordan, Leib, Lippard, Long, McWashington, Mundine, Munroe, Patten, Phillips of Wharton, Scott, Slaughter, Stockbridge, Varnell, Vaughan, Watrous, Whitmore, Wilson of Milam, Wright, Yarborough—34.

Nays—Messrs. Armstrong of Jasper, Bellinger, Bledsoe, Board, Bryant of Grayson, Burnett, Constant, W. Flanagan, Horne, Johnson of Harrison, Kealy, Keigwin, Kendal, Kirk, Newcomb, Phillips of San Augustine, Posey, Rogers, Ruby, Smith of Galveston, Smith of Marion, Sumner, Talbot, Thomas, Williams—25.

So the declaration was adopted.

The question recurred upon the passage of the declaration creating the county of Delta.

It was adopted.

The question recurred upon the passage of the declaration creating the county of Richland.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris, Caldwell, Carter, Cole, Curtis, Downing, Flanagan, Fleming, Foster, Goddin, Jordan, Kendal, Lippard, Long, Mundine, Munroe, Newcomb, Patten, Phillips of Wharton, Scott, Slaughter, Stockbridge, Vaughan, Watrous, Whitmore, Wilson of Milam, Wright, Yarborough—32.

Nays—Messrs. Armstrong of Jasper, Bellinger, Board, Bryant of Grayson, Burnett, Constant, W. Flanagan, Harris, Harn, Horne, Johnson of Harrison, Kirk, Leib, Lindsay, McWashington, Phillips of San Augustine, Posey, Rogers, Ruby, Smith of Galveston, Sumner, Talbot, Thomas, Varnell—24.

So the declaration was adopted.

Mr. Foster called up the report of the special committee respecting the Memphis and El Paso railroad lands.

Mr. Degener moved to strike out, "subject to genuine land certificates."

Mr. Flanagan moved the previous question.

Previous question seconded.

Mr. Degener moved a call of the House.

Call sustained.

On motion, the Convention adjourned until *to-morrow* morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
AUGUST 27, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Johnson, of Calhoun, moved a suspension of the rules to take up resolution providing for sending Messrs. Hamilton and Caldwell to Washington, and appropriating three thousand dollars for the payment of expenses.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Bellinger, Brown, Buffington, Burnett, Carter, Constant, Fleming, Foster, Johnson of Harrison, Johnson of Calhoun, Jordan, Lindsay, Long, Mundine, Munroe, Phillips of Wharton, Posey, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Vaughan, Watrous, Wilson of Brazoria—25.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Bryant of Harris, Cole, Curtis, Degener, Flanagan, W. Flanagan, Glenn, Harris, Kealy, Keigwin, Kendal, Kuechler, Kirk, Lippard, Newcomb, Patten, Phillips of San Augustine, Rogers, Thomas, Varnell, Williams, Wilson of Milam, Wright, Yarborough—31.

So the Convention refused to suspend rules.

Mr. Carter moved to suspend the rules to take up the report of the Special Committee on the Memphis and El Paso Railroad Lands.

Rules suspended.

Mr. Degener moved to strike out the words "and subject to the location of all genuine land certificates."

Mr. Flanagan moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bellinger, Board, Brown, Bryant of Harris, Caldwell, Carter, Cole, Constant, Downing, Flanagan, W. Flanagan, Foster, Glenn, Hamilton of Travis, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kirk, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Smith of Galveston, Stockbridge, Talbot, Varnell, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—35.

Nays—Messrs. President, Armstrong of Lamar, Bledsoe, Buffington, Burnett, Curtis, Degener, Fleming, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Newcomb, Patten, Rogers, Schuetze, Scott, Slaughter, Smith of Marion, Sumner, Thomas, Vaughan, Whitmore, Williams, Yarborough—28.

So the main question was ordered.

The question recurred, shall the declaration be adopted?

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bellinger, Board, Bryant of Harris, Caldwell, Carter, Cole, Constant, Curtis, Downing, Flanagan, W. Flanagan, Foster, Glenn, Hamilton of Travis, Harris, Harn, Johnson of Calhoun, Kealy, Keigwin, Kirk, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright—38.

Nays—Messrs. Armstrong of Lamar, Bledsoe, Brown, Bryant of Grayson, Buffington, Burnett, Degener, Fleming, Johnson of Harris, Jordan, Kendal, Keuchler, Lindsay, Lippard, Long, Newcomb, Patten, Rogers, Schuetze, Smith of Marion, Sumner, Thomas, Vaughan, Watrous, Williams, Yarborough—26.

So the declaration passed a second reading.

Mr. Armstrong, of Lamar, moved that the rules be suspended for consideration of the following declaration, introduced by Mr. Hamilton, of Travis:

ARTICLE GRANTING LANDS TO ACTUAL SETTLERS.

Introduced and ordered to be printed.

SECTION 1. There shall be one General Land Office in the State, which shall be at the seat of Government, where all titles which have heretofore emanated or may hereafter emanate from government shall be registered; and the Legislature may establish, from time to time, such subordinate offices as they may deem requisite.

SEC. 2. All certificates for headright claims to land, issued to fictitious persons, or which were forged, and all locations and surveys thereon, are and the same were null and void from the beginning.

SEC. 3. Every head of a family now residing in Texas, who has never received a headright or pre-emption claim from the government of Texas, and who now owns no land in the State, shall have the right to locate and receive a patent from the State for one hundred and sixty acres of land from the vacant public domain, upon paying the expense of survey and patent fees; and all single men now residing in the State, who are twenty-one years of age, who now own no land in the State, and whose parents have never received a headright or pre-emption claim from the government of Texas, shall have the right to locate and receive a patent from the State for eighty acres of land from the vacant public domain, upon paying the expense of survey and patent fees.

SEC. 4. Every immigrant to this State, who will settle, occupy, cultivate and improve any portion of the vacant public domain, shall be entitled to a grant for the same in fee simple, as follows: Each head of a family shall be entitled to a grant of one hundred and sixty acres, and each single adult person shall be entitled to a grant of eighty acres; Provided, that the grantee shall pay the expense of survey and patent fees.

Rules suspended.

Mr. Burnett moved that the declaration be referred to the Committee on Judiciary.

Withdrawn.

Mr. Lindsay moved that the declaration be printed and made the special order after the action of the Convention on the report of the Committee on Education.

Carried.

The President announced the business in order was the consideration of the report of the Committee on Education.*

Mr. Johnson, of Calhoun, moved that the report be considered by sections.

Carried.

Mr. Buffington offered the following amendment to section one:

Strike out all after "schools" in third line.

Mr. Flanagan offered the following substitute to the report:

It shall be the duty of the first Legislature of the State of Texas to pass a law providing for a common school system for the State, which law shall be equal and uniform, giving to the whites and blacks the same benefits arising out of any and all lands and monies that shall be set apart as a general school fund; provisions shall be made in said law to keep the races separate, to avoid prejudice that would otherwise arise.

Mr. Caldwell moved to lay the substitute on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bryant of Harris, Burnett, Caldwell, Carter, Constant, Curtis, Degener, Foster, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Munroe, Newcomb, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Watrous, Whitmore, Williams, Wilson of Brazoria—36.

Nays—Messrs Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Brown, Bryant of Grayson, Buffington, Cole, Flanagan, W. Flanagan, Fleming, Harris, Grigsby, Harn, Horne, Keigwin, Kirk, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Thomas, Varnell, Vaughan, Wilson of Milam, Wright, Yarborough—30.

---

* For report see p 610.

So the substitute was laid on the table.

Mr. Smith, of Galveston, moved the previous question.

Previous question seconded.

Mr. Buffington moved a call of the House.

Call sustained.

Absentees—Goddin, Hunt and Mackey.

Mr. Degener moved a suspension of the call.

Carried.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurring upon the adoption of section one of the report, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bledsoe, Bryant of Harris, Burnett, Caldwell, Carter, Constant, Curtis, Degener, Downing, Fleming, Foster, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lindsay, Lippard, Long, McWashington, Munroe, Newcomb, Patten, Phillips of Wharton, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Talbot, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—44.

Nays—Messrs. Armstrong of Jasper, Bellinger, Board, Brown, Boyd, Bryant of Grayson, Buffington, Cole, Flanagan, Flanagan W., Harris, Harn, Horne, Keigwin, Kirk, Phillips of San Augustine, Posey, Scott, Thomas, Varnell, Wilson of Milam, Yarborough—22.

So section one of the report was adopted.

Mr. Schuetze offered the following as an additional section to be inserted between first and second sections.

It shall be the duty of the Board of Education to establish separate schools for white children and for colored children, and may also provide for the establishment of separate male and female free schools, whenever a sufficient number of scholars should make it necessary or advisable.

[Mr. Phillips, of San Augustine, in the chair.]

Mr. Bryant, of Harris, moved to adjourn until this afternoon at four o'clock.

Lost.

Mr. Schuetze moved to strike out the second clause of the section.

Leave granted and clause withdrawn.

The question recurring upon the acceptance of the proposed section, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe. Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Downing, Flanagan, W. Flanagan, Fleming. Grigsby, Hamilton of Travis, Johnson of Calhoun, Jordan, Kealy, Keigwin, Keuchler, Kirk, Lindsay. Lippard, McWashington, Munroe, Mundine, Phillips of San Augustine, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston. Stockbridge, Sumner, Talbot, Thomas. Varnell, Vaughan, Whitmore, Wilson of Brazoria. Wilson of Milam, Wright, Yarborough—48.

Nays—Messrs. President, Bryant of Harris, Curtis, Degener, Foster, Johnson of Harrison, Kendal, Long, Newcomb, Patten Ruby, Smith of Marion—12.

So the proposed section was accepted.

Mr. Smith, of Galveston, offered the following *proviso* to the proposed section:

Provided that no one entitled to the right of public education shall be prevented on account of sex or color from attending the public schools that are accessible, when schools suited to sex or color as provided in this section may not be established.

Mr. Hamilton, of Travis, moved to lay the proviso on the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Downing, Flanagan, W. Flanagan, Fleming, Grigsby, Hamilton of Travis, Johnson of Calhoun, Kealy, Keigwin, Kirk, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Scott, Slaughter, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—40.

Nays—Messrs. President, Bryant of Harris, Curtis, Degener, Foster, Johnson of Harrison, Jordan, Kendal, Kuechler Lindsay, Long, McWashington, Newcomb, Patten, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Sumner, Williams—20.

So the proviso was laid on the table.

Mr. Degener moved to strike out the word "shall" and insert "may" after the words "Board of Education."

Mr. W. Flanagan moved to lay the motion on the table."

Upon the motion to lay the substitute upon the table, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Cole, Flanagan, Flanagan W., Fleming, Hamilton of Travis, Johnson of Calhoun, Kealy, Keigwin, Kirk, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Sumner, Talbot, Thomas, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—38.

Nays—Messrs. President, Bellinger, Bledsoe, Bryant of Harris, Carter, Constant, Curtis, Degener, Downing, Foster, Johnson of Harrison, Jordan, Kendal, Kuechler, Lindsay,. Long, McWashington, Newcomb, Patten, Ruby, Smith of Marion, Williams—22.

So the amendment was laid on the table.

Mr. Lindsay offered the following substitute:

The board of Education shall have power to establish separate free schools for the white and colored children; but under no circumstances shall any children, of either color, be deprived of the benefits and advantages of the public free school system established by the State.

Mr. Flanagan moved to lay the substitute on the table.

Mr. Bryant, of Harris, moved that the Convention adjourn until four o'clock this afternoon.

Carried.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. Degener rose to a question of privilege, and requested that the following declaration, offered by Mr. Carter, in reference to the Memphis, El Paso and Railroad reservation, be inserted in the journal.

DECLARATION.

Granting land to actual settlers, to purchasers of lands, and location of genuine certificates, within the limits of the Memphis and El Paso railroad reserve.

SECTION 1. *Be it declared by the people of Texas in Convention assembled,* That all heads of families actually settled on vacant lands lying within the Memphis and El Paso railroad reserve, shall be entitled to and receive from the State of Texas eighty acres of land, including the place occupied, on payment of all expenses of survey and patent.

SEC. 2. *Be it further declared*, That all vacant lands lying within the Memphis and El Paso railroad reserve are hereby declared open and subject to sale to heads of families actually settled on, or who may actually settle in said reserve, at the price of one dollar per acre; and said vacant land within said reserve shall be open to preemption settlers, and subject to the location of all genuine land certificates.

SEC. 3. *Be it further declared*, That on the fourth day of February A. D. 1856, an act, entitled "An Act to incorporate the Memphis, El Paso and Pacific Railroad Company," was approved by the Governor; and on the twenty-fifth day of August, 1856, the nineteenth section of said act was amended and approved by the Governor; and by the said act and amendment aforesaid, a certain quantity of land per mile was granted to said Memphis, El Paso and Pacific Railroad Company, upon the express condition that the said company put in complete order twenty miles of said road; and a large quantity of certificates for lands have been issued by the Commissioner of the General Land Office to said company, and many patents have been issued thereon; and it is believed by this Convention that said patents and certificates have been issued in violation of the express provision of said act;

Therefore be it further declared, That it shall be the duty of the Attorney General of the State of Texas to prosecute suits in any court in this State, having competent jurisdiction, against said company, or any person or persons holding any of said certificates or patents, for the purpose of having the same cancelled.

SEC. 4. *Be it further declared*, That this ordinance take effect from and after its adoption and approval.

It was so ordered.

Mr. Bryant, of Grayson, rose to a question of privilege, and requested the following report from a special committee, and accompanying declaration in reference to Martin D. Hart, be inserted in the journal.

MURDER OF HON. MARTIN D. HART.

Mr. William H. Graham, Sergeant-at-arms of the Texas Constitutional Convention, being duly sworn, says:

Hon. Martin D. Hart, of Hunt county, Texas, Captain of Company A, First Texas Cavalry, U. S. A., together with Lieutenant Hayes and eight others of the same company, were captured by about three hundred and fifty rebel troops, under command of Lieut. Col. R. P. Crump. Captain Hart and his men surrendered as prisoners of war. Colonel Crump demanded the surrender of Captain Hart and his men, which was at first refused; upon which Colonel Crump said he did not want any blood shed, and that he had men enough to take us any way. (Witness was one of Captain Hart's company captured.) He further said, if we would surrender, we would be treated as prisoners of war, and addressing us said: "Not a hair of any of your heads shall be hurt." After talking among ourselves, and considering the conditions of surrender, we agreed to surrender, and did so. This was on Saturday, the 18th day of January, 1863. On Sunday, the day following, we were taken to Fort Smith, Arkansas. On Monday, a court-martial from Speight's Texas Brigade (as witness understood) was organized. Tuesday, Captain Hart and Lieutenant Hayes were tried before the court-martial, at ten o'clock, A. M., and sentenced to be hanged between one and two o'clock that evening, which sentence was executed at the appointed time. After the sentence of death was read to him, Captain Hart asked permission to see his fellow prisoners, which was refused; but Lieutenant Hayes was permitted to talk with the other prisoners about five minutes. On being conducted to our cell, Lieutenant Hayes said that Captain Hart had been refused permission to talk to us, but he had been permitted to come in and say a few words. He told us that he and Captain Hart were to be hanged between one and two o'clock of that day; that it was a very hard sentence, but he would meet it fearlessly; that they expected the balance of us would be hanged before long, and if so, to meet it fearlessly and show no signs of weakness. At the stated time, Captain Hart and Lieutenant Hayes were executed. Witness saw a crowd gathering to execute the sentence.

Witness further states: That within ten or fifteen minutes after giving up our arms, one Major Burns, of Crump's command, came in the room where we were, with a revolver in his hand, and demanded each prisoner's pocket-book and money, which were given to him. Burns took all the money each prisoner had, placed it in the best pocket-book he could find, put it in his pocket, and said the money would be refunded at the proper time, but was never refunded.

Witness further states: That after Captain Hart and Lieutenant Hayes were hanged, we were marched out, handcuffed with heavy handcuffs, made in a blacksmith shop; afterwards taken to Dardanelle, Arkansas, and chained together, two by two, by the ankles;

thence taken to Little Rock, marched through the streets in derision; lodged in the guard-house for four days; thence taken to the county jail, and placed inside the iron cells. Here we were confined for two months in very cold weather, with no fire and one-fourth rations. We were then marched out to General Holmes' headquarters, and the Adjutant General of General Holmes' staff told us we could take our choice, to volunteer in the Confederate States army, or return to jail, to await a trial before Confederate officers for treason against the Confederate States. We joined the army to save our lives, and in five weeks I escaped to the Federal army, and in time my comrades escaped.

This statement can be fully confirmed by E. H. Vance, Esq., of Little Rock, Arkansas, who was a prisoner with us, and by four or five other citizens of Arkansas, who also were prisoners with me.

WILLIAM H. GRAHAM.

Sworn to and subscribed before me, in Austin, Texas, 21st day of August, 1868.

A. M. BRYANT,
Chairman of Committee.

It was so ordered.

Mr. Varnell moved the rules be suspended to consider the following resolution:

RESOLUTION.

Repealing an act to organize the county courts, and define the powers and jurisdiction thereof, approved October 25, 1866.

Be it declared by the people of Texas in Convention assembled:

That the act passed by the Legislature of 1866, and approved on the twenty-fifth October, 1866, organizing and defining the powers and jurisdiction of the county courts, be, and the same is hereby, declared to be repealed.

And that Brevet Major-General J. J. Reynolds, commanding the Fifth Military District, is hereby requested to give due notice of the passage of this declaration, and respectfully invite his concurrence in the above and foregoing resolution.

Upon the motion to suspend the rules,

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong, of Lamar, Bell, Bellinger, Bledsoe, Bryant of Harris, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Flanagan, W. Flanagan, Foster, Goddin, Hunt, Johnson of Calhoun, Kealy, Keigwin, Kendal, Keuchler, Lippard, Mackey, McWashington, Munroe, Newcomb, Patten, Phillips of San Augustine, Schuetze, Slaughter, Varnell, Vaughan, Whitmore—37.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Bryant of Grayson, Glenn, Hamilton of Travis, Harris, Jordan, Kirk, Mundine, Smith of Galveston, Stockbridge, Thomas, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—18.

So the rules were suspended.

Mr. Thomas moved to refer the resolution to the Committee on Judiciary.

Carried.

Mr. Newcomb introduced the following

RESOLUTION.

Whereas, Certain members of this Convention, who are also State officials under the present provisional State government, have drawn their per diem and mileage as delegates to this Convention; also, their pay as State officials.

Whereas, This drawing of two pays is contrary to the spirit of our institutions, and an imposition upon an impoverished people; therefore, be it

Resolved, That the Secretary of this Convention is forbidden from issuing further certificates to those delegates drawing a salary from the State as State officials.

Resolved, second. The Comptroller of the State is hereby requested to stop the pay of such delegates until the amount they have drawn as delegates of this Convention is returned to the State treasury.

Mr. Horne moved to reject the resolution.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bellinger, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Carter, Cole, Constant, Flanagan, W. Flanagan, Fleming, Foster, Glenn, Goddin, Grigsby, Harris, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Mackey, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wright—43.

Nays—Messrs. President, Bell, Bledsoe, Bryant of Harris, Curtis, Degener, Downing, Hunt, Kendal, Kuechler, Lippard, Long, Newcomb, Patten, Smith of Marion, Watrous, Whitmore, Williams, Wilson of Milam, Yarborough—20.

So the resolution was rejected.

Mr. Caldwell offered the following resolution:

Resolved, That Messrs. Munroe, Thomas, Varnell and Watrous, members of this Convention, be, and they are hereby appointed a committee as provided for in a resolution of the Convention, to act in conjunction with the President in convening this body at an earlier day than that to which it will stand adjourned from the thirty-first August, if the public interest should require it. And during the recess the Secretary shall safely keep the journals and records of the Convention, together with such declarations, resolutions and reports as may be intrusted to him by the members, and shall act as secretary to the committee created by the resolution.

The Secretary shall receive his per diem during the recess, and all other officers and employes shall be discharged during the recess.

The members of the Convention shall receive no per diem during the recess.

Mr. Hamilton of Travis moved a suspension of the rules to consider the resolution.

Rules suspended.

Mr. Davis offered an amendment that other officers and employes receive no pay during the recess.

Carried.

Resolution read and agreed to.

Mr. Flanagan offered the following amendment:

Provided, That the Secretary shall not receive compensation for a greater amount than has been ordered him for getting up the journals, which is twenty cents per one hundred words, for said labor.

Mr. Sumner moved to lay the amendment upon the table.

Lost.

The question recurring upon the adoption of the amendment,

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Board, Boyd, Burnett, Carter, Cole, Constant, Flanagan, W. Flanagan, Glenn, Goddin, Harris, Jordan, Keigwin, Kirk, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Galveston, Thomas, Whitmore, Wilson of Brazoria, Wilson of Milam, Yarborough—28.

Nays—Messrs. Armstrong of Lamar, Bledsoe, Bryant of Grayson, Bryant of Harris, Caldwell, Curtis, Downing, Fleming, Foster, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Munroe, Rogers, Schuetze, Scott, Smith of Marion, Stockbridge, Sumner, Varnell, Vaughan, Watrous—33.

So the amendment was not adopted.

Mr. Fleming offered the following amendment:

That the first and second assistant secretaries and clerks shall receive no pay after they have finished the legitimate business for which they were elected by the Convention.

Mr. Johnson of Calhoun moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bellinger, Bledsoe, Bryant of Grayson, Bryant of Harris, Burnett, Caldwell, Carter, Curtis, Foster, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Kuechler, Lindsay, Long, Mackey, McWashington, Mundine, Phillips of Wharton, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Vaughan, Wright—34.

Nays—Messrs. Armstrong of Jasper, Bell, Board, Boyd, Cole, Constant, Downing, Flanagan, W. Flanagan, Fleming, Glenn, Goddin, Harris, Hunt, Jordan, Keigwin, Kirk, Lippard. Newcomb, Patten, Phillips of San Augustine, Slaughter, Talbot, Thomas, Whitmore, Wilson of Brazoria, Wilson of Milam, Yarborough—28.

So the main question was ordered.

The question recurred upon the adoption of the declaration as amended.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Caldwell, Carter, Curtis, Foster, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Keuchler, Lindsay, Long, Mackey, McWashington, Mundine, Phillips of Wharton, Rogers, Ruby, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Sumner, Vaughan, Wilson of Brazoria, Wright—36.

Nays—Messrs. Armstrong of Jasper, Bell, Boyd, Cole, Constant, Downing, Flanagan, W. Flanagan, Fleming, Glenn, Goddin, Harris, Hunt, Keigwin, Kirk, Lippard, Newcomb, Patten, Phillips of San Augustine, Slaughter, Talbot, Whitmore, Wilson of Milam, Yarborough—24.

So the declaration was adopted.

Mr. Thomas moved a suspension of the rules to take up the report respecting the official reporter of the Convention.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Burnett, Carter, Constant, Curtis, Fleming, Grigsby, Jordan, Keigwin, Kendal, Keuchler, Lindsay, Lippard, Long, Mackey, Mundine, Munroe, Rogers, Ruby, Scott, Smith of Marion, Sumner, Talbot, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wilson of Milam—32.

Nays—Messrs. Armstrong of Jasper, Bell, Boyd, Caldwell, Cole, Downing, Flanagan, W. Flanagan, Foster, Harris, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Kealy, Kirk, Phillips of San Augustine, Phillips of Wharton, Slaughter, Smith of Galveston, Stockbridge, Thomas, Wright, Yarborough—25.

So the Convention refused to suspend the rules.

Mr. Whitmore moved to suspend the rules to take up the declaration defining the boundaries between Brazos and Burleson counties.

The Convention refused to suspend the rules.

Mr. Glenn, under the rules, called up the following report of the Committee on Internal Improvements for the relief of the Texas Central Railroad Company:

City of Austin, August 26, 1868.

To the Hon. E. J. DAVIS,
President of the Constitutional Convention:

Sir: Your committee have had before them a declaration for the relief of the Texas Central Railroad, and from the testimony before your committee they find that this road is in better condition than any road in the State, and that it deserves all it asks. I am instructed by a majority of the committee to recommend the passage of the declaration.

J. W. FLANAGAN,
Chairman of the Committee.

DECLARATION

Respecting the Central Railroad Company.

Whereas, The Houston and Texas Central Railway Company has become the owner, by purchase, of the Washington County Railroad; and

Whereas, The said Houston and Texas Railway Company, and the Washington County Railway Company, were indebted, on the first day of March, A. D. 1868, to the State of Texas, for sums borrowed from the Special School Fund, in the sum of $539,074.96, and are further indebted for accrued interest since the first day of March, 1868; and

Whereas, The said Houston and Texas Central Railway Company is desirous to extend the Washington County Branch to the city of Austin as soon as it can be done, and to build their main trunk to Red river in the shortest time possible and upon the best ground, and to strike said river at such point as will enable said company to form a connection with any railroad that may be built southward from Kansas, or Missouri, to Red river; and

Whereas, The ability of said company to build said main trunk and branch roads would be greatly increased by the consent of the State to exchange the six per cent. bonds of said companies for the seven per cent. gold bearing bonds of the said Houston and Texas Central Railway Company; and

Whereas, It is believed that such exchange can be made without, in any manner, endangering the security of the School Fund;

Therefore be it declared by the people of Texas in Convention assembled:

That the Washington County Railroad is hereby declared to be a branch of the Houston and Texas Central Railroad, and shall henceforth be known and called the Western Branch of the Houston and Texas Central Railway, and shall be controlled and managed by the said Houston and Texas Central Railway Company; and the said Houston and Texas Central Railway Company shall have the right to extend the said western branch of their road from the town of Brenham, in Washington county, to the city of Austin, by the most eligible route, as near an air-line as may be practicable.

Second. That it is hereby made the duty of the Provisional Governor to accept, from the Houston and Texas Central Railway Company, the seven per cent. land grant, sinking fund, first mortgage, gold-bearing bonds of said company for the whole amount of principal and interest due to the State from the said Houston and Texas Central Railway Company and the said Washington County Railway Company, on the first day of July, A. D. 1868; and to cancel the bonds now held by the State against said companies.

Third. The Houston and Texas Central Railway Company is hereby authorized to build its main trunk from its present northern terminus, by the most eligible route, to be selected by the engineer or engineers of the company, to any point on Red river, within thirty miles of the town of Preston, in Grayson county.

Fourth. This declaration shall take effect from and after its passage.

Mr. Patten moved to indefinitely postpone the consideration of the report.

Mr. Caldwell offered the following amendment:

Amend the preamble by striking out in the third line the word "were," and inserting in the place thereof the word "are," and by striking out from the third and fourth lines the words and figures "on the first day of March, A. D. 1868," and by further striking out from the fourth and fifth lines, after the word "fund," in the fourth line, the words and figures "in the sum of $539,074 96, and are further indebted for accrued interest since the first day of March, 1868."

Amend in section second of the declaration, so that the same shall read as follows:

For the principal sum due to the State by the said Houston and Texas Central Railway Company and the said Washington County Railway Company, together with all interest that was due by said companies on the first day of July, A. D. 1868, except such sums of interest as said companies claim to have paid in State treasury warrants, the Provisional Governor shall accept from the Houston and Texas Central Railway Company the seven per cent., land grant, sinking fund, first mortgaged, gold bearing bonds of said company, and shall, after making the exchange, cancel and deliver to said company the six per cent. bonds of said Houston and Texas Central Railroad Company and of the Washington County Railway Company, now held by the State, for sums borrowed by said companies from the special school fund, and for the whole amount of interest paid by said companies to the State in the treasury warrants or bonds of the State; the Governor shall receive the above described seven per cent. bonds of the Houston and Texas Central Railway Company, from which said bonds the coupons for interest may be attached before delivery by the company to the Governor, so that interest shall not begin to run on said sum until after the expiration of five years from the passage of this declaration; and the exchange of bonds and settlement herein provided for shall be made at any time between the passage of this declaration and the first day of December, A. D. 1868.

Mr. Degener moved the Convention adjourn until to-morrow morning at 9 o'clock.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Boyd, Bryant of Grayson, Bryant of Harris, Degener, Downing, Foster, Glenn, Grigsby, Hunt, Johnson of Harrison, Kealy, Kendal, Lippard, Long, Mackey, McWashington, Newcomb, Patten, Rogers, Smith of Marion, Talbot, Thomas, Watrous, Whitmore, Williams, Wilson of Milam—30.

Nays—Messrs. Armstrong of Lamar, Buffington, Caldwell, Cole, Constant, Flanagan, W. Flanagan, Fleming, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Keigwin, Kirk, Lindsay, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Scott, Smith of Galveston, Stockbridge, Sumner, Varnell, Vaughan, Wilson of Brazoria, Wright, Yarborough—30.

So the Convention refused to adjourn.

Mr. Smith, of Galveston, moved the previous question.

Previous question seconded.

Mr. Degener moved a call of the House.

Call sustained.

On motion, the Convention adjourned until to-morrow morning at 9 o'clock.

CAPITOL, AUSTIN, TEXAS,
AUGUST 28, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. W. Flanagan moved to take up the new section, granting lands to actual settlers.

Motion withdrawn.

The President announced that the business in order was the report of the Committee on Education.*

Mr. Buffington moved to postpone the consideration of the report to 9th day of December, 1868.

Motion withdrawn.

The President announced the reception of the following communications from the commander of the Fifth Military District:

HEADQUARTERS FIFTH MILITARY DISTRICT,
State of Texas,
Austin, Texas, August 28, 1868.

Hon. E. J. DAVIS,
President of Constitutional Convention,
Austin, Texas:

SIR: I have the honor to acknowledge the receipt of a declation, which passed the Constitutional Convention on the 21st inst., "requesting the commanding general of the Fifth Military District to relinquish the State tax of 1867 not yet collected, and the tax for 1868 of Montgomery county," and to return the same without my approval.

Very respectfully,
Your obedient servant,
J. J. REYNOLDS,
Brevet Major General U. S. Army,
Commanding.

---

* For report see page 610.

HEADQUARTERS FIFTH MILITARY DISTRICT,
State of Texas,
Austin, Texas, August 28, 1868.

Hon. E. J. DAVIS,
President Texas Constitutional Convention:
Austin, Texas:

SIR: I have the honor to acknowledge the receipt of a declaration, which passed the Constitutional Convention on the 19th inst., "requesting the commanding general to relinquish the ad valorem tax of Jefferson county for the year 1868, for certain purposes," and to return the same without my approval.

Very respectfully,
Your obedient servant,
J. J. REYNOLDS,
Brevet Major General U. S. Army,
Commanding.

Mr. Flanagan moved the postponement of the consideration of the report on education until the second Monday in December.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Buffington, Carter, Cole, Flanagan, W. Flanagan, Glenn, Grigsby, Harris, Keigwin, Kirk, Lindsay, Lippard, Long, Phillips of San Augustine, Vaughan, Wilson of Milam—21.

Nays—Messrs. President, Armstrong of Lamar, Bellinger, Bryant of Harris, Bryant of Grayson, Burnett, Caldwell, Constant, Curtis, Degener, Downing, Fleming, Foster, Goddin, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, McWashington, Mundine, Munroe, Newcomb, Patten, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright, Yarborough—44.

So the Convention refused to postpone the consideration of the report.

The question recurred upon the substitute offered by Mr. Lindsay to the proposed new section of Mr. Schuetze to the report.

Mr. Flanagan moved to lay the substitute to the proposed section upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Cole, Constant, Flanagan, W. Flanagan, Fleming, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Johnson of Calhoun, Keigwin, Kirk, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wilson of Milam, Yarborough—38.

Nays—Messrs. President, Bellinger, Bledsoe, Bryant of Harris, Carter, Curtis, Degener, Downing, Foster, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, McWashington, Newcomb, Patten, Ruby, Smith of Galveston, Smith of Marion, Watrous, Whitmore, Williams, Wright—27.

So the substitute was laid upon the table.

The question recurring upon the adoption of the section as amended—

The yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Flanigan, W. Flanagan, Fleming, Glenn, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Lindsay, Mackey, McWashington, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright Yarborough—52.

Nays—Messrs. President, Bryant of Harris, Curtis, Degener, Downing, Foster, Kendal, Kuechler, Long, Newcomb, Patten, Ruby, Smith of Marion, Williams—14.

So section — was adopted.

Mr. Hamilton, of Travis, asked that Mr. Carter be excused from attending the Convention after to-morrow.

Excused.

Messrs. Smith, of Galveston, and W. Flanagan, were excused from attendance after to-morrow.

Section two, on motion, was adopted.

Mr. Patten offered the following amendments:

In the fourth line strike out the words, "The Governor of the State shall nominate, and by and with the advice and consent of two-thirds of the Senate shall appoint, the Superintendent of Public

Instruction," and insert, "The Superintendent of Public Instruction shall be elected by the qualified electors."

In the seventh line add the words, "or increased," after "diminished."

Mr. Caldwell moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bellinger, Board, Bryant of Grayson, Burnett, Caldwell, Constant, Degener, Flanagan, Fleming, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kuechler, Lindsay, Mackay, Munroe, Posey, Rogers, Schuetze, Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Wilson of Brazoria, Wright—36.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Boyd, Bryant of Harris, Buffington, Cole, Carter, Curtis, Downing, W. Flanagan, Foster, Glenn, Goddin, Harris, Kirk, Lippard, Long, McWashington, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Smith of Marion, Watrous, Whitmore, Williams, Wilson of Milam—30.

So the amendment was laid on the table.

Mr. Wright moved to strike out "three thousand" in seventh line.

Laid on the table.

Mr. Buffington offered the following amendment:

Strike out "8" in sixth line and insert "2;" strike out "3000." in seventh line and insert "600."

Mr. Degener moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Grayson, Bryant of Harris, Burnett, Caldwell, Carter, Constant, Curtis, Degener, Downing, Foster, Grigsby, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Mackey, McWashington, Munroe, Patten, Posey, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria—38.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Buffington, Cole, Flanagan, W. Flanagan, Fleming, Goddin, Harris, Harn, Keigwin, Kirk, Long, Phillips of San Augustine, Rogers, Stockbridge, Thomas, Whitmore, Wilson of Milam, Yarborough—23.

So the amendment was laid on the table.

Mr. Board offered the following substitute to the entire report:

Resolved, That in the opinion of this Convention the report of the Committee upon Education is extremely objectionable in many particulars, and although drawn up by a high minded and honorable committee, they have in many instances assumed too much power, or in other words, made the subject of the school system a higher power than the real Legislature of the whole State. It is therefore hereby resolved that the subject of public schools be handed over to and left with the Legislature, giving that body control of the whole subject of education.

The Chair decided that the substitute was not in order.

Mr. Board appealed from the decision of the Chair.

Mr. Munroe offered the following amendment to section 3:

Add at end of section 3, "He may for just cause be removed by the Governor, who shall give his reasons to the Senate for such removal, and if a majority of said body confirm the same it shall be permanent.

Amendment adopted.

Mr. Davis, of Nueces, offered the following amendment:

In section 3, line 5, strike out the words "of two-thirds;" on sixth line strike out "eight" and insert "four."

Amendment adopted.

Mr. Lindsay moved that the vote adopting Mr. Munroe's amendment be reconsidered.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bledsoe, Bryant of Grayson, Constant, Degener, Foster, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Kealy, Kendal, Lindsay, Mackey, McWashington, Munroe, Newcomb, Patten, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Marion, Thomas, Whitmore, Wilson of Brazoria, Yarborough—28.

Nays—Messrs. Armstrong of Jasper, Board, Boyd, Burnett, Caldwell, Carter, Cole, Curtis, Downing, Flanagan, W. Flanagan, Fleming, Harris, Harn, Jordan, Keigwin, Keuchler, Mackey, Phillips of San Augustine, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Milam, Wright—28.

So the motion to reconsider was lost.

Mr. Degener moved to amend by making the word "capitol," in the eighth line, "capital."

Amendment adopted.

Mr. Thomas moved to strike out, in seventh line, "three thousand" and insert "fifteen hundred."

Mr. Hamilton moved to lay the amendment on the table.

Mr. Degener moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Grayson, Burnett, Caldwell, Carter, Constant, Degener, Downing, Flanagan, Foster, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McWashington, Munroe, Newcomb, Patten, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—45.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Cole, Curtis, W. Flanagan, Fleming, Goddin, Harris, Keigwin, Phillips of San Augustine, Wilson of Milam—16.

So the main question was ordered.

The question recurring upon the adoption of section three as amended, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Grayson, Burnett, Caldwell, Carter, Constant, Downing, Foster, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McWashington, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria—42.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Cole, Curtis, Flanagan, W. Flanagan, Fleming, Goddin, Harris, Keigwin, Kirk, Newcomb, Patten, Phillips of San Augustine, Whitmore, Wilson of Milam, Wright, Yarborough—24.

So section three as amended was adopted.

Mr. Buffington offered the following amendment to section five of the report:

In first line strike out "four" and insert "two." In fourth line strike out "two" and insert "one."

Mr. Caldwell moved the previous question on the adoption of section five.

Previous question seconded.

Mr. Bell moved a call of the House.

Call not sustained.

The question recurred, "Shall the main question be now put?"

Upon motion, the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Grayson, Burnett, Caldwell, Carter, Constant, Downing, Flanagan, Foster, Goddin, Grigsby, Hamilton of Travis, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Long, Mackey, McWashington, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wright—45.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Cole, Curtis, W. Flanagan, Fleming, Harris, Harn, Horne, Keigwin, Kirk, Mundine, Wilson of Milam—19.

So the main question was ordered.

Section four, on motion, was adopted.

Section five, on motion, was adopted.

Mr. Hamilton, of Travis, offered the following amendment:

In section six, line four, strike out the words "a two-thirds vote of."

Mr. Munroe offered the following amendment to section six:

The Board of Education shall exercise all ministerial and other necessary powers in reference to the free schools of the State, in accordance with law, and its acts when approved by the Governor, shall have the force and effect of law, unless decided otherwise by a vote of the Legislature of the State.

Mr. Bryant, of Grayson, moved to lay the substitute on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bryant of Grayson, Caldwell, Constant, Degener, Downing, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kuechler, Lindsay, Mackey, McWashington, Newcomb, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Vaughan, Watrous, Whitmore, Wilson of Brazoria, Wright—37.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Burnett, Carter, Cole, Curtis, Flanagan, W. Flanagan, Fleming, Harris, Keigwin, Kendal, Kirk, Lippard, Long, Munroe, Phillips of San Augustine, Scott, Williams, Wilson of Milam, Yarborough—27.

So the substitute was laid upon the table.

The question recurred upon the adoption of the amendment offered by Mr. Hamilton, of Travis.

The amendment was adopted.

Mr. Flanagan moved to strike out section six.

Mr. Schuetze moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon that motion, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bryant of Grayson, Burnett, Caldwell, Constant, Degener, Downing, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lindsay, Mackey, Newcomb, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria—37.

Nays—Messrs. Armstrong of Jasper, Bell, Bledsoe, Board, Boyd, Bryant of Harris, Buffington, Carter, Curtis, Flanagan, W. Flanagan, Fleming, Harris, Horne, Keigwin, Kirk, Lippard, Long, McWashington, Mundine, Munroe, Phillips of San Augustine, Slaughter, Thomas, Whitmore, Wilson of Milam, Wright, Yarborough—28.

So the main question was ordered.

The question recurred upon the adoption of the section.

It was adopted.

Mr. Thomas moved to strike out from the proviso, commencing in section five, and the two following lines.

Mr. Caldwell moved the previous question.

Previous question seconded.

The question recurred, "shall the main question be now put?"

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bellinger, Board, Bryant of Harris, Buffington, Caldwell, Carter, Constant, Curtis, Degener, Downing, Foster, Grigsby, Harn, Johnson of Calhoun, Jordan, Kealy, Kendal, Kuechler, Lindsay, Lippard, Mackey, McWashington, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—44.

Nays—Messrs. President, Armstrong of Jasper, Bell, Bledsoe, Boyd, Bryant of Grayson, Burnett, Flanagan, W. Flanagan, Fleming, Harris, Horne, Keigwin, Kirk, Mundine, Posey, Thomas—17.

So the main question was ordered.

The question recurred upon the adoption of section seven.

It was adopted.

Mr. Burnett offered the following amendment to section eight:

In line second, between words "State" and "of," insert "or in private schools;" line second, substitute "at" for "on."

The question recurring upon the adoption of the amendment, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Bellinger, Board, Bryant of Grayson, Burnett, Caldwell, Constant, Downing, Flanagan, Fleming, Foster, Goddin, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Lindsay, Lippard, Long, Mackey, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—43.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Boyd, Bryant of Harris, Buffington, Carter, Cole, Degener, Flanagan W., Grigsby, Harris, Horne, Kuechler, Kirk, Long—16.

So the amendment was adopted.

Mr. Bryant, of Grayson, moved to strike out section eight.

On motion, the Convention adjourned until four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum present.

Mr. Schuetze, from the special committee appointed to visit the asylums of the State, made the following report:

COMMITTEE ROOM,
Austin, Texas, August 27, 1868.

Hon. E. J. DAVIS,
President of the Convention:

SIR: The special committee appointed to visit the deaf mute and the blind asylums, and to inquire into the propriety of admitting into both, or either of those institutions, such number of indigent orphan children as might be received therein for support and education, respectfully report that they have performed that duty. That after a thorough conference with the superintendents of both of these asylums, and after a careful examination of the premises, your committee are of opinion that the buildings now occupied by the scholars and teachers of these institutions are barely sufficient to accommodate them, and that the additions which would be required for the reception of orphan children would ultimately cost as much as a suitable building for that express purpose. While we deem it proper to express our gratification at the excellent manner in which these institutions are conducted, we regard it our duty here to express our deep regret that the indigent orphan children of the State are deprived of the fostering care of the community due to the fatherless and motherless. While we regard it the duty of the State to provide for the unfortunate children who are blind or deaf and dumb, but who may still enjoy the embrace of loving and sympathizing parents, we consider it also the sacred duty of the government to adopt the fatherless and motherless, who, although they may enjoy the faculty of speech or sight, are deprived of the blessings and tender caresses of a father or mother, and we deem it proper to say that in cases where the parent was murdered by lawless bands on account of devotion to his country, it is the least the State can do to support and educate the orphan child who has been robbed of the father, in whose untimely death the State shares a considerable amount of responsibility, through the want of will or power to protect the citizen in doing what his conscience and the laws of his country bid him to do.

We, therefore, in consideration of the sufferings of the large numbers of indigent orphans in the State of Texas, ask the passage of the declaration hereunto annexed.

Very respectfully,
JULIUS SCHUETZE,
Chairman.

Be it declared by the people of Texas in Convention assembled, That it shall be the duty of the Legislature to provide for an orphan asylum for the reception of indigent and orphan children, under such rules and regulations as may be prescribed by law.

Mr. Hunt offered the following declaration:

WHEREAS, The Columbus, San Antonio and Rio Grande Railroad Company now hold a charter which may become of no force or effect by a failure of the Legislature of the State to hold a session in the year 1868: therefore

SECTION 1. *Be it declared*, That the rights and privileges heretofore granted to the Columbus, San Antonio and Rio Grande Railroad Company be extended until ninety days after the meeting of the first lawful Legislature of the State of Texas.

SEC. 2. *Be it further declared*, That the charter of the Columbus, San Antonio and Rio Grande Railroad Company be so amended as to grant the privilege to said railroad company to commence the building of said railroad at the town of Gonzales, or some practicable point on the contemplated line of the Indianola and Austin Railroad, running west, instead of at Columbus, its present point of beginning.

Mr. Hunt moved a suspension of the rules for the consideration of the declaration.

Rules suspended.

Mr. Flanagan offered the following amendment:

Amend by including the East Texas Railroad Company.

Amendment withdrawn.

The question recurring upon the adoption of the declaration, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bell, Boyd, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Flanagan, W. Flanagan, Foster, Goddin, Grigsby, Harn, Hunt, Kealy, Kendal, Keuchler, Long, McWashington, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—41.

Nays—Messrs. President, Bledsoe, Burnett, Johnson of Calhoun, Lindsay, Thomas, Vaughan, Whitmore—8.

So the declaration was adopted.

Mr. Degener moved a suspension of the rules, to put declaration on its passage.

Rules suspended.

The question recurring upon the adoption of the declaration, the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Hunt, Johnson of Harrison, Jordan, Kealy, Kendal, Kuechler, Kirk, Long, McWashington, Mundine, Munroe, Newcomb, Patten, Phillips of San Augustine, Phillips of Whartrn, Posey, Rogers, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—54.

Nays—Messrs. President, Armstrong of Jasper, Bryant of Harris, Burnett, Glenn, Johnson of Calhoun, Keigwin, Thomas, Varnell, Whitmore—10.

So the declaration was adopted.

Mr. Long introduced the following declaration:

Be it declared by the people of Texas in Convention assembled, That all attempts to justify the rebellion and war against the United States, made in Texas since August 5, 1865, by the courts of the provisional government, by deciding that the statutes of limitation have been running since said date and prior to the acceptance of this Constitution by Congress.

That a payment to a "rebel receiver" operated an extinguishment of the debt that the "so-called Confederate States of America and the pretended States thereof" were *de facto* governments, that promissory notes given for Confederate paper, and obligations to pay money for slaves, made after President Lincoln's proclamation of emancipation stated that it took effect, were null and void from the beginning, and shall so remain; provided, nevertheless, that this declaration shall not be construed to validate or invalidate by emancipation any of the acts of the other decisions.

Mr Burnett moved to reject the declaration.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Cole, Constant, Curtis, Flanagan, W. Flanagan, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kirk, Lindsay, McWashington, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Stockbridge, Varnell, Vaughan, Watrous, Wilson of Brazoria—40.

Nays—Messrs. President, Bell, Bryant of Harris, Degener, Downing, Foster, Goddin, Hunt, Johnson of Harrison, Kendal, Kuechler, Long, Newcomb, Patten, Ruby, Smith of Galveston, Smith of Marion, Talbot, Thomas, Whitmore, Williams, Wilson of Milam—22.

So the declaration was rejected.

Mr. Schuetze offered the following declaration, and asked its reference to the Committee on Finance:

WHEREAS, The county of Bastrop is indebted to the amount exceeding five thousand dollars, which debt was chiefly incurred by the safe keeping and boarding of prisoners delivered to the county jail of Bastrop county, from other counties of the State; and

WHEREAS, The resources of Bastrop county are not sufficient to discharge said debt, besides defraying the current expenses of said county: therefore

Be it declared by the people of Texas in Convention assembled, That the State taxes assessed for the year 1863 by the assessor and collector of Bastrop county be and are hereby set aside for the purpose of paying the drafts legally issued by the county court of Bastrop county, since the first day of August, 1865.

It was so referred.

Mr. Carter moved a suspension of rules to take up the declaration disposing of the lands of the Memphis and El Paso railroad to actual settlers.

The Convention refused to suspend the rules.

Mr. Degener rose to a question of privilege, to refute the assertion made by a member of the Convention, that Mr. Morgan C. Hamilton had drawn his pay as Comptroller of the State and as a member of the Convention.

Mr. Goddin called up the declaration respecting the Houston and Texas Central Railroad Company.

Mr. Caldwell, by leave of the Convention, withdrew the declaration, with amendment proposed thereto.

Mr. Talbot offered the following declaration:

DECLARATION

Respecting the Central Railroad Company.

WHEREAS, The Houston and Texas Central Railway Company has become the owner, by purchase, of the Washington County Railroad; and

WHEREAS, The said Houston and Texas Railway Company, and the Washington County Railway Company are indebted to the State of Texas, for sums borrowed from the Special School Fund; and

WHEREAS, The said Houston and Texas Central Railway Company is desirous to extend the Washington County Branch to the city of Austin as soon as it can be done, and to build their main trunk to Red river in the shortest time possible and upon the best ground, and to strike said river at such point as will enable said company to form a connection with any railroad that may be built southward from Kansas, or Missouri, to Red river; and

WHEREAS, The ability of said company to build said main trunk and branch roads would be greatly increased by the consent of the State to exchange the six per cent. bonds of said companies now held by the State for the seven per cent. gold bearing bonds of said Houston and Texas Central Railway Company, issued by virtue of a deed of trust executed by said company on the first day of July, A. D. 1866, in which deed of trust Shepherd Knapp and David S. Dodge, of the city of New York, are named (and have accepted) as trustees; and

WHEREAS, It is believed that such exchange can be made without, in any manner, endangering the security of the School Fund;

Therefore be it declared by the people of Texas in Convention assembled:

That the Washington County Railroad is hereby made and declared to be a branch of the Houston and Texas Central Railroad, and shall henceforth be known and called the Western Branch of the Houston and Texas Central Railway, and shall be controlled and managed by the said Houston and Texas Central Railway Company; and the Houston and Texas Central Railway Company shall have the right to extend the said western branch of their road from the town of Brenham, in Washington county, to the city of Austin, in Travis county, by the most eligible route, as near an air-line as may be practicable.

SEC. 2. For the whole amount of principal and interest due to the State by the said Houston and Texas Central Railway Company and the Washington County Railway Company, on the first day of July, A. D. 1868, including the sums paid by each of said companies in the treasury warrants or bonds of the State, the Provisional Governor shall accept, from the Houston and Texas Central Railway Company, the seven per cent. land grant, sinking fund, first mortgage, gold-bearing bonds of said company, which said bonds are issued or to be issued by virtue of a deed of trust executed by said company on the first day of July, A. D. 1866, in which deed of trust Shepherd Knapp and David S. Dodge, of the city of New York, are trustees; and the Governor shall, after making the exchange, cancel and deliver to said company the six per cent. bonds of the Houston and Texas Central Railway Company, and of the Washington County Railway Company, now held by the State, for sums borrowed from the special school fund; and the exchange of bonds and settlement herein provided for shall be made at any time between the passage of this declaration and the first day of December, A. D. 1868: *provided*, that the said Houston and Texas Central Railway Company shall never issue an amount of the said seven per cent. bonds above described to exceed twenty thousand dollars to the mile of completed road, including such bonds as have been already issued; nor shall said company ever issue any other bond that shall rank as a first mortgage bond on their road, without first paying the whole amount of the indebtedness of the company to the State.

SEC. 3. The Houston and Texas Central Railway Company is hereby authorized, any former laws to the contrary notwithstanding, to build its main trunk from the present northern terminus, by the most eligible route, to be selected by the engineer or engineers of the company, to any point on Red river, within thirty miles of the town of Preston, in Grayson county.

Fourth. This declaration shall take effect from and after its passage.

Mr. Patten moved to postpone the consideration of the declaration until the tenth of December next.

Withdrawn.

[Mr. Varnell in the chair.]

Mr. Davis moved that the declaration be printed and made the special order for to-morrow morning, at half-past eleven o'clock.

Carried.

Mr. Smith of Galveston moved a suspension of the rules to take up the following resolution:

WHEREAS, Max Mobins, the enrolling clerk, is now absent, and will not return in time to perform his duties, and as such a clerk is now necessary; therefore,

Resolved, That Mr. Thos. H. Waldron be, and he is hereby, appointed temporarily to act for Mr. Mobins during his absence, and that he receive the per diem pay for said services.

Rules suspended.

Resolution adopted.

Mr. Smith of Galveston moved a further suspension of the rules to put resolution on its final passage.

Rules suspended and resolution adopted.

Mr. Grigsby moved to take up the report of the Committee on Political Disabilities.*

Mr. Slaughter moved to postpone the consideration of the report until the tenth of next December.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Board, Boyd, Bryant of Harris, Carter, Curtis, Downing, W. Flanagan, Harris, Keigwin, Kendal, Long, Patten, Ruby, Slaughter, Smith of Marion, Talbot, Thomas, Whitmore, Williams, Wilson of Milam—21.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Bryant of Grayson, Buffington, Caldwell, Constant, Degener, Fleming, Flanagan, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Horne, Hunt, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kuechler, Lindsay, McWashington, Mundine, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Varnell, Vaughan, Watrous, Wright—41.

So the Convention refused to postpone.

Mr. Armstrong of Lamar asked leave of absence for Messrs. Flanagan and Boyd, after to-morrow morning's session.

Mr. Smith of Galveston moved to act upon each page of the report separately.

Carried.

Mr. Newcomb moved to amend the Bexar county list as follows: Strike out the first three names and inserting Wm. J. Locke.

The question recurred upon the adoption of the amendment.

It was lost.

Mr. Schuetze moved to amend by adding the names of James B. Cope and Frank Nash.

Carried.

Mr. Phillips of Wharton moved to amend by adding the names of Eugene Wilson and Thomas T. Copes to the list of Brazoria county.

Mr. Bell offered the following amendment:

---

* For report see page 513.

Add Samuel Harferd, John T. Edwards, and John Krancher to the Austin county list.

Mr. Hamilton of Travis moved to act upon the report as a whole.

Carried.

Mr. Armstrong of Lamar offered the following amendment:

Add Henry Moore and F. Miles to the Lamar county list.

Mr. Hamilton of Travis offered the following amendment:

Add A. G. Campbell and O. H. Millican.

Mr. Foster moved to act upon the report by counties.

Carried.

Mr. Talbot offered the following amendment:

Add Alfred Evans, of Bell county.

Mr. Varnell offered the following amendment for Calhoun county:

Add A. F. Vanderberg, Lawrie D. Heaton, and James Ashworth.

Mr. Davis of Nueces offered the following amendment for Cameron county:

Add Frank E. Macmanus and Joseph Hopkins.

Mr. Davis, by request, offered the name of Stephen Powers, Jr., of Cameron county, be added to the list.

Mr. Hamilton of Travis moved to add his name to the report.

Motion withdrawn.

Mr. Caldwell offered the following to be added to Cass county list:

Thos. J. White.

Mr. Hamilton of Travis moved that the Convention take a recess until eight o'clock this evening.

EVENING SESSION—EIGHT O'CLOCK.

Roll called. Quorum present.

The question recurred upon the amendment of Mr. Whitmore to the recommendation from Cherokee county.

Mr. Patten moved to lay the report upon the table.

Upon which the yeas and nays were demanded and resulted thus:

Nays—Messrs. Bryant of Harris, Lippard, Patten, Rogers, Smith of Marion, Talbot—6.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Buffington, Burnett, Caldwell, Carter, Constant, Degener, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Keuchler, Kirk, Mc-

Washington, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Scott, Smith, of Galveston, Stockbridge, Thomas, Varnell, Vaughan, Wright—42.

So the Convention refused to lay on the table.

Mr. Bryant, of Grayson, asked that Mr. Sumner be excused indefinitely.

Excused.

The question recurred upon the amendment of Mr. Whitmore.

The names were stricken out.

Mr. Thomas offered the following amendment to the Collin county list:

Collin county—D. M. Hocker, A. T. Robertson, Stanley Cooper, J. O. Straughan, Josiah Nichols.

Mr. Foster moved to strike out the names of Geo. McCormick, G. Walker and John Collier.

Carried.

Mr. Bledsoe moved to strike out G. W. Guess and A. Cochran.

Carried.

Mr. Kealy offered the following additional names to the Denton county list:

Joseph Minor, Thomas M. Smith, John Lovejoy, Jr., James M. Herod, Hugh McKinsey.

Mr. Patten moved to strike out A. G. Perry from Falk county.

Agreed to.

Mr. Constant moved to add the name of Thomas Blane to the Fannin county list.

Carried.

Mr. Smith, of Galveston. moved to add the name of A. L. Kirk, of Erath county.

Carried.

Mr. Lindsay offered the following amendment to the Fayette county list:

Add the names of Nat. C. Joiner, John L. Smith and Wm. M. Davidson.

Agreed to.

Mr. Schuetze moved to insert the following name from Bastrop county:

George W. Jones.

Mr. Bell moved to reject Mr. Jones.

Carried.

Mr. Smith, of Galveston, moved to insert the following names from Galveston county:

Messrs. Tipton Walker, J. S. Sydnor, T. H. McMahon, E. S.

Wood, John Westerlage, Frank Durcks, E. A. Burke, J. L. Durrach.

Mr. Patten offered the following resolution:

Resolved, That this Convention do recommend to the Congress of the United States to relieve all men in this State of their political disabilities; provided they ask the same of this Convention.

Ruled out of order.

Mr. Horne offered the following substitute to the report:

Resolved, That the Congress of the United States is, by the Convention of the people of Texas assembled, most earnestly requested to remove all political disabilities from every male citizen of the State of Texas, over twenty-one years of age.

Ruled out of order.

The question recurred upon the motion of Mr. Smith, of Galveston:

The motion prevailed.

Mr. Newcomb offered the following amendment to the Gillespie county list:

Amend by adding the name of Dan. Wehmeyer.

Mr. Bryant, of Grayson, offered the following amendment to the Grayson county list:

Messrs. C. C. Binkley, Joshua West, T. E. Montgomery, J. P. Dumas.

Mr. Montgomery, on motion, was stricken out.

Mr. Hamilton, of Travis, moved a reconsideration of the vote striking out Mr. Montgomery's name.

Carried and name agreed to.

Mr. Harn moved to add the following names to the Grimes county list:

Messrs. J. T. McNair, R. H. Martin, Drayton Teague, James Teague.

Mr. Vaughan moved to add the following name to the Guadalupe county list·

Add J. L. Lowell.

Mr. Bryant, of Harris, moved to add the following names to the Harris county list:

Messrs. J. H. Manly, R. O. Love, T. W. House, W. J. Hutchins, Francis D. Allan. A. S. Richardson, H. E. Perkins, F. W. Smith, Peter W. Gray, and to strike out the name of A. J. Burke, Junior.

Mr. Bellinger moved to amend Gonzales county list by substituting the name J. W. Sterbing in place of Sterling.

Mr. Yarborough offered the following resolution:

Resolved, That this Convention ask the Congress of the United States to remove the disabilities of such men, as will be of use as officers to carry on the civil government for the time being, and no more.

On motion, the Convention adjourned until to-morrow morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
AUGUST 29, 1868.

Convention met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain. Journal of yesterday read and adopted.

Mr. Carter asked that Mr. Kirk be excused on account of sickness.

Excused.

Mr. Goddin was excused from paying fine on account of absence without leave.

Mr. Armstrong, of Lamar, moved a suspension of the rules to take up the declaration respecting granting the lands reserved by the Memphis and El Paso railroad company to actual settlers.

Mr. Armstrong, of Lamar, by consent, withdrew the motion.

Mr. Carter renewed the motion.

Rules suspended.

Mr. Degener moved to strike out the words, "and location of genuine land certificates."

Mr. Phillips, of San Augustine, moved to lay the amendment on the table.

Lost.

Mr. Degener, by consent, withdrew his amendment.

Mr. Armstrong, of Lamar, offered the following substitute:

That all persons being heads of families, or twenty-one years of age, who have settled upon and improved, or who may hereafter settle upon and improve, a portion of the public domain, which has never been filed upon, located or surveyed, by virtue of some genuine, legal and valid certificate, or other evidence of title to land, previous to such settlement and improvement, shall have the privilege of locating and appropriating a tract of such vacant land, not to exceed one hundred and sixty acres, so as to include said settlement or improvement, in preference to all other claims or claimants, and all files, entries, locations or surveys made so as to interfere with the preference granted by this act shall be null and void.

Mr. Flanagan moved the previous question.

Previous question seconded.

The question recurred "Shall the main question be now put?"

The main question was ordered.

The question recurred upon the passage of the declaration.

It was read third time and passed.

The President announced that the business in order was the report of the Committee on Education,* and upon the motion of Mr. Bryant, of Grayson, to strike out section eight of the report.

The Convention refused to strike out.

Mr. Thomas offered the following amendment:

Amend by striking out, after the word "year," in the sixth line, to and including the word "schools," in the seventh line.

Mr. Schuetze moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Caldwell, Carter, Constant, Foster, Hamilton of Travis, Johnson of Calhoun, Jordan, Kealy, Kendal, Keuchler, Lindsay, McWashington, Newcomb, Phillips of Wharton, Ruby, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—27.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Cole, Curtis, Downing, Evans of Titus, Fayle, Flanagan, Fleming, Goddin, Harris, Harn, Keigwin, Lippard, Mundine, Phillips of San Augustine, Posey, Slaughter, Thomas, Varnell, Whitmore—27.

So the main question was not ordered.

---

*For report see page 610.

The question then recurred upon the amendment offered by Mr. Thomas, which was adopted.

Mr. Schuetze offered the following amendment:

In line fifteen, instead of "upon the public free schools," insert "upon public or private schools."

Mr. Smith, of Marion, moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Degener, Downing, Evans of Titus, Flanagan, Fleming, Foster, Hamilton of Travis, Harn, Johnson of Calhoun, Johnson of Harrison, Jordan, Kealy, Kendal, Lindsay, Lippard, McWashington, Newcomb, Patten, Phillips of San Augustine, Phillips of Wharton, Ruby, Scott, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Williams, Wilson of Brazoria, Wright—48.

Nays—Messrs. Armstrong of Jasper, Boyd, Burnett, W. Flanagan, Goddin, Harris, Kuechler, Mundine, Posey, Schuetze, Whitmore, Wilson of Milam—12.

So the amendment was laid on the table.

Mr. Phillips, of San Augustine, offered the following amendment:

Provided, that the Board of Education shall have no authority over the education of the children of this State, unless they have a school fund sufficient to educate the children as contemplated by this and the preceding and following sections of this report.

The amendment was laid on the table.

The question recurring upon the adoption of section eight as amended—

The yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Bellinger, Bryant of Harris, Butler, Caldwell, Carter, Constant, Curtis, Degener, Downing, Foster, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Kuechler, Lindsay, McWashington, Newcomb, Ruby, Schuetze, Slaughter, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Thomas, Varnell, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright—37.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Board, Boyd, Bryant of Grayson, Buffington, Cole, Evans of Titus, Flanagan, W. Flanagan, Fleming, Goddin, Harris, Kendal, Kuechler, Mundine, Patten, Phillips of San Augustine, Phillips of Wharton, Posey, Scott—23.

So section eight as amended was adopted.

Mr. Talbot offered the following proviso to section nine:

Provided the university fund, as it now exists, in lands, money and credits, shall constitute a special fund for the support of one or more universities, and shall never be used for any other purpose; and until a university is established, the principal of said fund and the interest arising therefrom shall be invested in like manner as provided for the public school fund.

The amendment was adopted.

Mr. Lindsay offered the following amendment:

Section nine, between the words "appropriated" and "that," in the second line, strike out the word "or," and insert "except the four-league grant heretofore made to the several counties of the State, and all funds, lands and other property."

The President announced that the hour had arrived to take up the special order of the day, which was the declaration respecting the Houston and Texas Central and Washington County Railroad Company.*

Mr. Johnson, of Calhoun, moved that Mr. McWashington be excused on account of sickness.

Carried.

Mr. Butler moved that the consideration of the declaration be postponed until Monday afternoon.

Mr. Caldwell moved a call of the House.

Call sustained.

Mr. Caldwell moved to suspend the call of the House.

Call suspended.

The question recurred upon the motion to postpone.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Bledsoe, Board, Bryant of Grayson, Butler, Degener, Foster, Glenn, Kuechler, Lippard, Newcomb, Patten, Smith of Marion, Sumner, Thomas, Whitmore, Wilson of Milam—17.

Nays—Messrs. President, Armstrong of Lamar, Bell, Bellinger,

---

*For declaration see page 907.

Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Williams, Wilson of Brazoria, Wright—44.

So the Convention refused to postpone.

The question recurred upon the adoption of the substitute to the declaration, with amendments as originally introduced.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar. Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Lippard, Mundine, Phillips of Wharton, Posey, Ruby, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—50.

Nays—Messrs. Armstrong of Jasper, Bledsoe, Bryant of Grayson, Butler, Degener, Downing, Newcomb, Patten, Phillips of San Augustine, Smith of Marion. Thomas, Whitmore—12.

So the substitute was adopted.

Mr. Davis offered the following amendment:

In fifth line insert the word "interest" before "gold," and after the word "bonds," in sixth line, the words "are also payable in gold and," and insert at the end of section four "provided that all laws and parts of laws concerning the said Houston and Texas Central Railroad, or said Washington County Railroad, not in conflict with the foregoing provisions, shall be considered as still in force; and provided further, that the government of the State shall be at any time authorized to interfere by such measures as may be thought necessary by the Legislature to prevent neglect of said railroads, so that the same may always remain a competent security to the State for the amount due as above set forth."

The proposed amendments were accepted.

Mr. Patten offered the following substitute:

WHEREAS, The following railroad companies were, on the first day of March last, indebted to the Special School Fund of the State of Texas the following amounts:

Houston and Texas Central Railroad Company—

Principal	$599,164 35	
Interest	108,191 21	
		$707,255 56

Buffalo Bayou, Brazos and Colorado Railroad Company—

Principal	$420,000 00	
Interest	177,819 25	
		$597,819 25

Washington County Railroad Company—

Principal	$66,000 00	
Interest	24,775 00	
		$90,775 00

And Whereas, Said companies have and do refuse to settle and pay the interest due the said school fund, therefore be it

Resolved, That the Provisional Governor of the State of Texas be, and he is hereby authorized and instructed to proceed against said railroad companies according to law for the collection of the principal and interest, as stated above.

Resolved, That the above named railroad companies have forfeited their charter for a non-compliance with the terms thereof.

Resolved, That twenty-five thousand dollars, or so much thereof as may be necessary be, and is hereby appropriated out of any money in the treasury not otherwise appropriated to carry out the above resolutions.

Mr. Harn moved to lay the substitute on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Grayson, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Horne, Harn, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Williams, Wilson of Brazoria, Wilson of Milam, Wright—45.

Nays—Messrs. President, Bledsoe, Bryant of Harris, Butler, Degener, Downing, Lippard, Newcomb, Patten, Phillips of San Augustine, Slaughter, Smith of Marion, Thomas, Whitmore, Yarborough—15.

So the substitute was laid upon the table.

Mr. Harn moved the previous question.

Previous question seconded.

Mr. Patten moved a call of the House.

Call sustained.

Mr. Caldwell moved a suspension of the call of the House.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—48.

Nays—Messrs. Bledsoe, Bryant of Grayson, Degener, Downing, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Sumner, Thomas, Whitmore, Williams—13.

So the call was suspended.

Mr. Armstrong, of Lamar, asked leave of absence for Mr. Bryant, of Harris.

Leave granted.

Mr. Bryant, of Grayson, asked leave, after Monday, for himself and Messrs. Sumner and Thomas.

Leave granted.

Mr. Buffington moved to reconsider the vote by which the Columbus, San Antonia and Rio Grande Railroad bill was passed.

Mr. Patten moved to adjourn until four o'clock this afternoon.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Butler, Carter, Curtis, Degener, Downing, Johnson of Harrison, Kendal, Kuechler, Lippard, Newcomb, Posey, Ruby, Schuetze, Smith of Marion, Thomas—22.

Nays—Messrs. Armstrong of Lamar, Boyd, Buffington, Caldwell, Cole, Constant, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Kealy, Keigwin, Kirk, Mundine, Munroe, Patten, Phillips of San Augustine, Phillips of Wharton, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Whitmore, Williams, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—40.

So the Convention refused to adjourn.

Mr. Flanagan moved to adjourn until three o'clock.

Upon which the yeas and nays were called, and resulted thus:

Pending the vote, the House adjourned until four o'clock this afternoon.

AFTERNOON SESSION—FOUR O'CLOCK.

Convention met pursuant to adjournment.

Roll called. Quorum Present.

Mr. Munroe, from the Committee on Engrossed Provisions, reported provisions from forty-seven to sixty-one correctly engrossed.

Report adopted.

Mr. Caldwell moved a suspension of the rules to take up the substitute to the declaration respecting the Texas Central and Washington County Railroad Company.

Mr. Patten moved the Convention adjourn until nine o'clock, Monday morning.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Lippard, Patten, Rogers, Smith of Marion—5.

Nays—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Grayson, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Degener, Downing, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goldin, Grigsby, Hamilton, of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Lindsay, Mundine, Munroe, Newcomb, Phillips of San Augustine, Phillips of Wharton, Posey, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Thomas, Varnell, Vaughan, Whitmore, Wilson of Brazoria, Wilson of Milam, Wright, Yarborough—54.

So the Convention refused to adjourn.

The question recurred upon the suspension of the rules.

The Convention suspended the rules.

Mr. Patten offered the following substitute:

Resolved, That a committee of three be appointed by the President to investigate the financial condition of the Houston and Texas

Central Railroad Company and the Washington County Railroad Company, and report to this Convention, after the recess, if the School Fund of the State will be jeopardized by accepting the bonds of said companies as now proposed.

Mr. Harn moved to lay the substitute on the table.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Scott, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—42.

Nays—Messrs. President, Bryant of Grayson, Degener, Downing, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Thomas, Whitmore, Yarborough—12.

So the substitute was laid on the table.

Mr. Thomas offered the following amendment:

Strike out the word "passage" at the end of fourth section, and insert "ratification by the people of this State."

Mr. Caldwell moved to lay the amendment on the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Board, Bryant of Harris, Buffington, Caldwell, Carter, Cole, Constant, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—45.

Nays—Messrs. Armstrong of Jasper, Bryant of Grayson, Degener, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Thomas, Whitmore—10.

So the amendment was laid on the table.

Mr. Horne moved the previous question.

Previous question seconded.

The question recurred, "Shall the main question be now put?"

Main question ordered.

The question recurred upon the adoption of the substitute to the declaration.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Board, Boyd, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—47.

Nays—Messrs. Armstrong of Jasper, Bellinger, Bryant of Grayson, Degener, Downing, Johnson of Harrison, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Thomas, Whitmore, Yarborough—14.

So the declaration was agreed to.

Mr. Hamilton, of Travis, moved a further suspension of the rules to put declaration on its passage.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—49.

Nays—Messrs. Bryant of Grayson, Degener, Downing, Lippard, Newcomb, Patten, Phillips of San Augustine, Slaughter, Smith of Marion, Thomas, Whitmore, Yarborough—12.

Four-fifths voting in the affirmative, the rules were suspended.

Mr. Patten offered the following amendment:

In line fifteen strike out "twenty" and insert "fifteen."

Mr. Mundine moved to lay the amendment on the table.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Buffington, Butler, Caldwell, Carter, Cole, Constant, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright—46.

Nays—Messrs. President, Bryant of Grayson, Bryant of Harris, Downing, Kuechler, Lippard, Newcomb, Patten, Slaughter, Smith of Marion, Thomas, Whitmore, Yarborough—13.

So the amendment was laid upon the table.

Mr. Flanagan moved to adopt the amendment offered by Mr. Davis.

The amendment was adopted.

Mr. Flanagan moved the previous question.

Previous question seconded.

Mr. Patten moved to adjourn until Monday morning at nine o'clock.

Lost.

The question recurred, "Shall the main question be now put?"

The main question was ordered.

The question recurred "Shall the declaration, as amended, be passed?"

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Lamar, Bell, Bellinger, Board, Boyd, Bryant of Harris, Buffington, Butler, Caldwell, Cole, Curtis, Evans of Titus, Flanagan, W. Flanagan, Fleming, Foster, Goddin, Grigsby, Hamilton of Travis, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keigwin, Kendal, Kirk, Mundine, Munroe, Phillips of Wharton, Posey, Rogers, Schuetze, Scott, Slaughter, Smith of Galveston, Stockbridge, Talbot, Varnell, Vaughan, Watrous, Wilson of Brazoria, Wilson of Milam, Wright —46.

Nays—Messrs. Armstrong of Jasper, Bryant of Grayson, Degener, Downing, Johnson of Harrison, Keuchler, Lippard, Newcomb, Patten, Phillips of San Augustine, Smith of Marion, Thomas, Whitmore, Yarborough—14.

So the Convention adopted the declaration.

Mr. Newcomb offered the following declaration:

WHEREAS, This Convention has at a former day of this session, resolved not to consider the matter of division of the State until the Congress of the United States shall act thereon; and

WHEREAS, Messrs. M. C. Hamilton and C. Caldwell, delegates from this body to Congress, have reported that it is the wish of a majority of Congress that this Convention should take the initiative in this matter; therefore

Be it ordained by the people of Texas in Convention assembled, That the consent of the people of this State is given that all that portion of the territory of the State beginning in the mid-channel of Pass Coballo, where it enters the Gulf of Mexico, thence up the middle of the main channel thereof, and up Matagorda Bay, to the mouth of the Colorado river; thence up the main channel of said river, with the meanders thereof, to the thirty-second parallel of north latitude; thence due west on said parallel to the Rio Grande river; thence down said river with the meanders thereof, to the Gulf of Mexico, to the place of beginning, may be created into a new State, and the citizens thereof are authorized to adopt a constitution, and submit the same to Congress for approval.

Mr. Patten moved to suspend the rules to take up the declaration.

Motion withdrawn.

Mr. Flanagan offered the following declaration:

Be it resolved by this Convention of the people of Texas, That the consent of this Convention is given to the formation of a new State within the limits of Texas, to be embraced within the following boundaries:

Beginning at a point in the middle of the channel between Galveston Island and Bolivar Point; thence through Galveston Bay to the mouth of Trinity river; thence up the main channel of said Trinity river to the mouth of Bois d' Arc, (or east fork of the Trinity river;) thence up said Bois d' Arc Creek to the northwest corner of Kaufman county; thence north to the south-west corner of Fannin county, thence north with the western border of Fannin county to the Red River; thence down said Red River to the eastern boundary of the State of Texas to the Gulf of Mexico, to the point of beginning. And the people within said boundaries are authorized to form a constitution, and submit the same to Congress for approval.

Mr. Thomas offered the following declaration:

Be it ordained by the people of Texas in Convention assembled, That Africans, and descendants of Africans, now residing in Texas, shall receive land as follows: Every head of a family shall be entitled to one hundred and sixty acres, and every single man of the age of twenty-one years and upwards, shall be entitled to eighty acres; provided, however, that it shall be the duty of the Legislature to set apart and cause to be sectionized so much of the vacant public domain lying in the unsettled portion of this State, as in the judgment of that body shall be sufficient for the execution of this ordinance.

Mr. Thomas offered the following resolution:

Be it resolved, That all newspapers taken by this Convention be and they are hereby discontinued from and after the thirty-first day of the present month.

Mr. Patten moved that the rules be suspended to consider the resolution.

Rules suspended.

Resolution read and agreed to.

Mr. Patten moved a further suspension of the rules for the passage of the resolution.

Rules suspended and resolution passed.

Mr. Davis offered the following resolution:

Resolved, That the declarations heretofore adopted directing the sale of the Memphis and El Paso Railroad, the Houston and New Orleans Railroad, and the Houston and Brazoria Tap Road, be and the same are hereby amended so as to require a notice of six months before sale by the Governor.

Mr. Flanagan moved to reject the resolution.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. Bell, Bellinger, Board, Bryant of Harris, Buffington, Evans of Titus, Flanagan, W. Flanagan, Hamilton of Travis, Johnson of Calhoun, Jordan, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Varnell, Wilson of Brazoria, Wright, Yarborough—21.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Grayson, Butler, Carter, Constant, Curtis, Degener, Downing, Fleming, Foster, Goddin, Grigsby, Harris, Harn, Horne, Johnson of Harrison, Kealy, Keigwin, Kendal, Keuchler, Lippard, Long, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Scott, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Whitmore, Wilson of Milam—38.

So the Convention refused to reject.

The question recurred upon the question to suspend the rules.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bledsoe, Bryant of Harris, Butler, Constant, Degener, Foster, Goddin, Grigsby, Harn, Kealy, Keigwin, Keuchler, Lippard, Long, Munroe, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith of Marion, Sumner, Talbot, Thomas, Wilson of Milam, Yarborough—29.

Nays—Messrs. Bell, Bellinger, Board, Buffington, Caldwell, Cole, Curtis, Evans of Titus, Flanagan, Hamilton of Travis, Harris, Horne, Johnson of Harrison, Johnson of Calhoun, Jordan, Kendal, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Varnell, Watrous, Whitmore, Wilson of Brazoria, Wright—27.

So the Convention refused to suspend the rules.

Mr. Patten moved to adjourn until Monday morning, at nine o'clock.

Lost.

Mr. Hamilton of Travis moved to adjourn until eight o'clock this evening.

Upon which the yeas and nays were demanded, and resulted thus:

Yeas—Messrs. Armstrong of Lamar, Bell, Board, Boyd, Buffington, Caldwell, Constant, Evans of Titus, Flanagan, Fleming, Goddin, Hamilton of Travis, Harris, Harn, Horne, Johnson of Harrison, Johnson of Calhoun, Keigwin, Kirk, Mundine, Phillips of Wharton, Posey, Rogers, Schuetze, Smith of Galveston, Stockbridge, Talbot, Varnell, Watrous, Wright—30.

Nays—Messrs. President, Bellinger, Bledsoe, Bryant of Harris, Butler, Cole, Curtis, Degener, Downing, Foster, Grigsby, Jordan, Kealy, Kendal, Keuchler, Lippard, Long, Newcomb, Patten, Phillips of San Augustine, Ruby, Slaughter, Smith of Marion, Sumner, Thomas, Whitmore, Wilson of Milam, Yarborough—28.

So the Convention refused to adjourn.

On motion the Convention adjourned until Monday morning at nine o'clock.

CAPITOL, AUSTIN, TEXAS,
August 31, 1868.

Convention met pursuant to adjournment.

Roll called; quorum present. Prayer by the Chaplain. Journal of Saturday read and adopted.

Mr. Patten moved that the Convention adjourn until the first Monday in December.

Upon which the yeas and nays were demanded and resulted thus:

Yeas—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bellinger, Bledsoe, Board, Bryant of Grayson, Bryant of Harris, Butler, Cole, Curtis, Degener, Downing, Glenn, Goddin, Grigsby, Hunt, Johnson of Harrison, Keigwin, Kendal, Lippard, Long, Morse, Newcomb, Patten, Rogers, Sumner, Thomas, Vaughan, Whitmore, Wilson of Milam, Yarborough—33.

Nays—Messrs. Buffington, Caldwell, Constant, Evans of Titus, Fleming, Foster, Harris, Harn, Horne, Johnson of Calhoun, Jordan, Kealy, Keuchler, Lindsay, Mundine, Munroe, Phillips of San Augustine, Phillips of Wharton, Posey, Schuetze, Smith of Galveston, Smith of Marion, Stockbridge, Talbot, Varnell, Watrous, Wright—27.

Pending the announcement of the vote, Mr. Munroe, from the Committee on Engrossed Bills, reported provisions Nos. 60 and 61 correctly engrossed.

Mr. Armstrong of Lamar, from the Committee on Public Debt, reported as follows:

Committee Room,
Austin, August 31, 1868.

Hon. E. J. DAVIS,
President of the Convention:

I am instructed, by a majority of the Public Debt Committee, to whom was referred a declaration by the Hon. Mr. Stockbridge, asking the Convention to authorize the Comptroller to audit and pay to M. K. Rion the sum of twenty-five hundred dollars, with interest for twelve months, to report that the debt claimed by M. K. Rion, amounting to the sum of two thousand five hundred dollars, is not yet due; but that there is interest upon said bonds which should be paid; therefore the committee herewith report a substitute for the original, and recommend its adoption.

ARMSTRONG, of Lamar,
Chairman.

DECLARATION.

Be it declared by the people in Convention assembled:

That the Comptroller is hereby directed to pay to M. K. Rion such interest as may be due him on twenty-five bonds issued by the State, in part payment of debts contracted by General Sam Houston for the protection of the frontier.

Mr. Buffington, by consent, offered the following

DECLARATION.

Be it declared by the people of Texas in Convention assembled:

That the Buffalo Bayou, Brazos and Colorado Railroad is indebted to the State of Texas in the sum of $597,819.25, principal and interest, due to March 1. 1868.

It is, therefore, ordained. That the Governor of the State be, and he is hereby, directed to sell, at public auction, the said Buffalo Bayou, Brazos and Colorado Railroad, upon the same terms and conditions as have been prescribed in a declaration passed by this Convention, authorizing the sale of the New Orleans and Texas Railroad and the Southern Pacific Railroad; *provided*, that the railroad herein authorized and required to be sold, shall not be sold unless it shall bring the full price of principal and interest due up to the day of sale, in gold.

The President then announced the vote upon the question of adjournment.

So the Convention adjourned until the first Monday in December.

END OF FIRST SESSION.

APPENDIX.

REPORT

OF THE

ATTORNEY-GENERAL OF TEXAS

FOR 1867.

TRANSMITTED TO THE CONVENTION BY GOVERNOR E. M. PEASE, JUNE 19, 1868, AND ORDERED PRINTED.

[SEE PAGE 129.]

ATTORNEY-GENERAL'S OFFICE,
Austin, Texas, November 2, 1867.

On retiring from office it is incumbent upon me to give in the form of a report an official statement of the business that came within my charge, and to accompany it with such suggestions in regard to the administration of the law as the public welfare appears to demand.

No reports have been made to me in regard to the suits directed to be instituted in behalf of the State during the time I filled this office under Provisional Governor Hamilton, and so short a time has elapsed since my appointment under the present administration, that nothing has transpired touching those suits and the other pending suits in which the State is concerned, worthy of mention.

The opinions delivered to the heads of departments are on file with the officers at whose instance they were prepared. They are not recorded in this office, because the opinion book in which they should be inserted, was not delivered to me by my predecessor, who retained it in order to have his official opinions and correspondence neatly recorded, until too late a period to admit of their insertion.

Shortly after entering upon the discharge of the duties of my office, I addressed communications to the Commissioner of the General Land Office requesting him to furnish certain statements, which he did as soon as the investigations requisite to their completion could be made. These statements are appended with the suggestion that they demand further attention.

The first of them shows the amount of land scrip, (viz: 145,600 acres,) issued from the General Land Office, and to whom, during the earlier period of the not yet ended rebellion and war, and paid for with what is called "Confederate money." That the scrip so issued is null and void, and should be so declared, there can be no doubt. Its recognition as valid would be a wrong to every owner of a good title to land in Texas, with whose land it might come into competition; and besides, would be justly offensive to the national Government.

The second of these statements consist of an elaborately full showing of the financial condition of the General Land Office while administered by Capt. Stephen Crosby, as Commissioner. It appears that the books of that officer make it manifest that a deficit of money due the State and individual depositors, existed when Capt. Crosby was removed, amounting in the aggregate to $17,839 34, in coin.

For so much of this sum as is due the State, viz: $14,073 24, he and his sureties may, and should be held responsible.

It is further evident from this statement that the interest of the public would be better served were it provided by law, that hereafter no money should be paid *directly* into the General Land Office, and that all fees and dues chargeable by that office should be deposited on warrant of the Comptroller, based on a statement of the Commissioner in the Treasury.

It may not be amiss in this connection to call attention to the duties and labors imposed by law upon the office which I am about to leave, and hence. of which I can speak with impartiality. They are amply sufficient to occupy the whole time of four active and industrious members of the legal profession, not diverted from their work by any private business. To do justice to the defence of mandamus suits, to claims and suits in favor of the State, to estates without heirs, to the preparation of State cases brought up by appeal, to corporations,—besides the preparation of opinions, of correspondence, and a personal attendance upon the Supreme Court at three points, requires more time and thought than any one person can give, even though he should permit nothing else to interfere. In this opinion my predecessor fully concurs. The Attorney General should be allowed competent assistants, and no law officer of the State, while such, should be permitted to continue to act, or to accept employment in any matter of private litigation.

The inefficiency and delay in the administration of the law, both civil and criminal, merits special attention. The delay in civil suits is often so great as to amount to a denial of justice. In that class of suits too many oaths and too many suretyships are provided for. "The first affidavit for a continuance" offers a premium for an immunity to false swearing, and should in any event be abolished. There should be a mode provided whereby a citizen may have his property judicially bound, so that he may not be compelled to entangle his friends and neighbors by suretyships.

To guard against stay and appraisement laws, a provision should be inserted in our Constitution similar to that existing in the Constitution of New Jersey, prohibiting the Legislature from passing any law "depriving a party of any remedy for enforcing a contract which existed when the contract was made." (*Vide* Sedgwick on Statute and Constitutional Law, 696.)

The civil law of Texas needs to be reformed and to have its defects supplied in the following additional matters:

An original should constitute the record of every instrument required by law to be recorded.

There should be a registration of births and deaths, as well as of marriages.

Tax sales of land shonld be abolished, and the payment of taxes with interest, in case of a failure to pay, enforced by the prohibition of the registration of any instrument affecting the title, save on the proof of the payment of the taxes, with interest.

Juries should not be required, where liquidated demands, the execution of which is not denied, are sued upon.

Interest should not exclude any person from being a witness in a civil cause.

Only a single execution, properly directed and to be supplied in case of loss, should be issued upon a judgment.

Terms of courts should be abolished, and all our tribunals should be like admiralty courts, always open for business save on Sundays and holidays.

These suggestions may be regarded as Utopian and impracticable, but on slight investigation it can be ascertained that every one of hem (excepting, perhaps, that in regard to taxes,) is now the law in lmost every civilized country in the world.

In a word, our civil statutes need to be reformed so as to give rompt justice to the people, and with a constant view of the priniple that one who is wronged should be reinstated, as near as may , in the condition in which he was immediately before he was onged, and at the cost of the wrong-doer.

The condition of the administration of criminal and penal law in

Texas is truly deplorable. As a physician, before determining what remedies should be applied, must ascertain the nature and extent of the disease, so a government, before legislating further against crime, should obtain full and accurate criminal statistics. The reports of district attorneys and clerks (so far as such have been made), received at this office, are meagre and unsatisfactory. At best, they only show what indictments have been found, and what disposition has been made of them. No provision exists for obtaining statistics of the vast mass of crime for which, from various causes, indictments are not found. The records of appealed cases, in some instances, as in the case of Spence, a freedman from Bell county, show that torture was resorted to; but in other cases, as in that of Charles Thompson, a freedman from Williamson county, whose feet were burned until the skin burst open, they are silent on that fact. No one has thus far been indicted for inflicting torture. Officers of the law admit verbally that, in general, a freedman who is guilty of crime can be convicted and punished, but that it is next to impossible to convict and punish a white man; and, indeed, acknowledge that a white man can not be convicted and punished for a homicide, especially if it be of a freedman.

I learn from all sources that human life has never been less protected by law in Texas than at the present time.

A military officer of high character has informed me that since the surrender of General E. Kirby Smith, and until the first of July last, one hundred and forty murders, chiefly of freedmen, had been committed in a county in which he was on duty. Another stated to me, that, while a member of the staff of the late Brevet Major General Griffin, he was for a time in a county in a different region in which twenty homicides were committed in the course of one month. The counties referred to certainly show an average of crimes of violence above that of the remaining one hundred and twenty-six organized counties of the State; but taking three homicides per county as the average number per year, as was stated by the late Judge Buckley in his charge to the grand juries of his district, and it follows that not less than three hundred and eighty-four murders per year are committed, or rather were committed before the rebellion and war, which has certainly not improved the morals of the people. I am satisfied that this estimate falls far short of the truth, as may be ascertained by a reference to official statements, imperfect as they are, on file.

These appalling facts cannot be ignored or suppressed. The whole truth should be ascertained and stated, and an efficient protection to life afforded by law.

If sheriffs will aid in packing juries, and if juries will not convict for crimes against life, at least a remedy should be afforded so far as practicable by civil suit. The provision of the common law which holds the right of civil suit to be merged in the felony, should be repealed, and a right of civil action for exemplary damages given, independently of a prosecution and conviction, or a failure to prosecute and convict for crime. The statute of February 2, 1860, (vide Paschal's Digest, page 98,) is insufficient. A statute better planned and of greater scope is needed.

The too great size of the geographical State of Texas is, perhaps, one of the greatest obstacles that exist to the enforcement of law and the maintenance of order. To attempt to govern economically and well a State which contains over five times more square miles than the great State of New York,* and which has scarce any facilities for intercommunication, is to attempt an impossibility. A letter can go by mail from Austin to any capital city of Europe, and a reply to it can be received, with more promptitude and certainty than one can be sent to and answered from very many of the counties of Texas. A division of Texas into five States, as is contemplated by the joint resolution of annexation, would be a finality, and would greatly conduce to effect the leading objects of a government founded on equality before the law; protection, education and internal improvements.

Appended hereto as a part of this report, will be found a report which was some time since submitted to the officer in command of the District of Texas, on the pretended "public and general laws" of Texas, of 1866. It sets forth briefly in the first instance the "laws" leveled against the freedmen; and in the second instance such as are directly or indirectly hostile to the United States government and to the loyal citizens thereof. It does not embrace the "special laws" of that year, which, with a few and unimportant exceptions, amount in the aggregate to an ingenious system of rewards to persons who were active as politicians, editors, officers military or civil, blockade runners, contractors, etc., etc., in behalf of the rebellion.

In leaving office, I file herewith a printed opinion touching the pretended legislation of the rebellion, and likewise a printed copy of my letter of resignation. [See documents A. and B.]

I again solemnly protest against the attempt that is made to put upon the people of Texas, who did not make and who never have sanctioned them, the pretended "laws" of the rebellion.

---

*According to the Compendium of the United States Census of 1860, New York has 46,000 square miles, and Texas 237,321 square miles. The report of the Commissioner of the General Land Office of Texas for 1859, sets forth that Texas contains 274,356 square miles. Mr. Pressler, the present Chief Draughtsman of the General Land Office, estimates that Texas contains 265,578 square miles.

The registered voters are the "people."

The leading propositions bearing upon the claims of the pretended legislation of the rebellion, the so-called "laws" of 1866, inclusive, are briefly as follows:

The Congress of the United States cannot go beyond the power of attorney under which (and which alone) it acts—the Constitution of the United States.

The legislation of the rebellion was made within the limits of the United States, and not only without, but against, the authority of the national constitution, the continuously supreme law of the land. Such being the case Congress could not, without exceeding its warrant of attorney, recognize or confirm it, and Major General Sheridan could not derive from Congress any power with which that body could not be clothed by the constitution. Besides, neither Congress nor Major General Sheridan is justly chargeable with having attempted to inflict upon Texas so unprovoked and so great a wrong. Under the Constitution of the United States a rebel "law" cannot be legalized. A rebel official act, where found to be indifferent in its character, may from considerations of public convenience be validated, but even that should not be done save with an express proviso to the effect that neither the United States government nor any loyal citizen thereof should in any manner or to any extent be prejudiced thereby.

Considerations of policy do not warrant a sworn officer of the law to abandon propositions and conclusions established by reason and sanctioned by authority; hence I adhere to the positions I have taken. A correspondence with able jurists in other States who had previously arrived at the same views, has confirmed me in the conviction that they are correct and true, and that like all truths they will stand the test of time.

WILLIAM ALEXANDER,
Attorney General.

PRETENDED LAWS OF 1866 AGAINST THE FREEDMEN.

The foundation of what are termed the Laws of Texas of 1866 is the rejected Constitution of 1866. If it is null and void, because incompatible with and hostile to the supreme law of the land, the Constitution and laws of the United States, all that has been built up upon it must be null and void also. By referring to art. 3, secs. 1, 5 and 10; to art. 4, sec. 16; to art. 8; to art. 10, sec. 2; and to ordinance No. 11; the incompatibility of the rejected constitution of 1866 and its hostility to the Constitution of the United States may be clearly perceived.

The main object kept in view by those who made that instrument, and of those who devised the pretended laws based upon it was the restoration of African slavery, in the modified form of peonage. This object is very distinctly foreshadowed by the peculiar phraseology of art. 8, which sets out by declaring that "African slavery, *as it heretofore existed*," (only,) is regarded as having been abolished, not by the people of Texas, but "by the government of the United States, by force of arms." That such was the intent and purpose alike of the unauthorized Convention and Legislature of 1866 will be more fully apparent on reference to the following of the pretended laws and joint resolutions of 1866, made to carry that constitution into effect:

Ch. 80, p. 76—the so-called labor law.—It provides expressly for a system of peonage, though without using that term, in many respects similar to the peon system abolished by the Liberals of Mexico a few years since, which Maximilian was unable to restore. It is directly opposed to the Thirteenth Amendment of the Constitution of the United States, and of the Civil Rights Act.

Ch. 82, p. 80—Against persuading, enticing and tampering with laborers. This is in furtherance of the above, and is subject to the same objections.

Ch. 73, p. 70—Defines "persons of color." The sole object of this law was to defeat equality before the law—justice; to discriminate on account of race. This is subject to the same objections.

Ch. 59, p. 59—Restricts the right of persons of color to testify in certain cases. Subject to the same objections.

Ch. 128, p. 131—Defines the rights of persons of color. Subject to the same objections. It is restrictive, giving them no more rights than free persons of color had during the existence of African slavery. It takes special care not to declare them to be "citizens."

Ch. 135, p. 160—Exempting from sale under execution a certain amount of the property of every "citizen." A very ingenious thrust at the freedmen. Subject to the same objections.

Ch. 92, p. 90—Makes the carrying of fire-arms on enclosed land, without consent of the land-owner, an offence. It was meant to operate against freedmen alone, and hence is subject to the same objections.

Ch. 146, p. 170—As to public schools for whites (only.) Subject to the same objections.

Ch. 154, p. 195—Providing for indigent white children (only.) Subject to the same objections.

Ch. 164, p. 203—Donates land to white settlers (only.) Subject to the same objections.

Ch. 180, p. 225—Jury law, for whites only. Subject to the same objections. This pretended law has been obviated by the jury order of Brevet Major General Griffin.

Ch. 53, p. 43—Organizes a new county court system. This onerous act was devised chiefly in order that rebels might be able to get at the freedmen without waiting for the semi-annual terms of the district courts. It is subject to the same objections.

Ch. 63, p. 61—The apprentice law. It provides for "moderate corporeal chastisement." This act seems to have been framed in ignorance of sec. 990 of Oldham & White's Digest, which it should either have amended or repealed. It is subject to the same objections.

Ch. 102, p. 97—Provides for special cars on railroads for freedmen. Subject to the same objections, and hence obviated by an order of Brevet Major General Griffin.

Ch. 111, p. 102 -The vagrant act. The latter part of sec. 1 of this act is insidiously leveled against the freedmen, who are not even mentioned as such in it. Subject to the same objections that lie to the whole of the system of which it forms a part.

Ch. 120, p. 119—Provides for employment of convicts for petty offences. Intended for the freedmen, and subject to the same objections.

Ch. 125, p. 126—The "stay law," delaying the collection of debts. It prevents freedmen dependent upon their immediate earnings from collecting their wages. Subject to the same objections that lie to the whole system.

Ch. 64, p. 64—Gives a lien on crop. An ingenious device, whereby a man who rents land and hires laborers to cultivate it may be enabled to avoid paying the laborers. Subject to the same objections. Believed to have been obviated by an order of General Kiddoo.

Ch. 132, p. 134—For the assessment and collection of taxes.

Said to be substantially the "Confederate Act" re-enacted. It is cumbrous in its machinery, complicated and unjust. Under it more than double the tax due is frequently collected from freedmen who cannot read the notices, and against whom mileage is charged and received in consequence. By military circular No. 15, current taxes are made payable under the act, the circular being the law.

Ch. 153, p. 192—For employing convict labor on railroads. A very ingenious feature of the peon system. It does not mention the freedmen, but was devised with an especial reference to them. Subject to the same objections.

Ch. 178, p. 221—To amend the rebel Sunday law of December 16, 1863. Said to be modeled on one of the blue laws of Connecticut, only it ingeniously provides that laborers not hired specially to work seven days in the week may, on sugar plantations, &c., be made to work on Sundays in certain cases. Subject to the same objections that lie to the rest of the system.

Ch. 186, p. 236—Militia law. It makes the militia to consist of "able-bodied free white male" inhabitants. Subject to the same objections.

Joint Resolution No. 4, p. 260—For the removal of the United States troops. Their presence being the chief protection afforded the freedmen, the attempt to remove them is a part of the system stated, and is subject to the same objections.

Joint Resolution No. 13, p. 166—The refusal to ratify the fourteenth proposed amendment to the Constitution of the United States. As the first section of this amendment guarantees freedmen their civil rights as citizens of the United States and of the States in which they reside, the rejection of the amendment is not only subject to the same objections, but is subject to the further objection of being a rejection of a condition precedent since imposed by the military reconstruction act. By that act, an acceptance of the Fourteenth Amendment is made indispensable.

Query—Is not Ch. 177, p. 221, (the dog tax law,) aimed at the freedmen also?

It is to be observed that all of the foregoing general acts and joint resolutions, (twenty-four in number,) were approved by Ex-Governor Throckmorton, who also signed the constitution and ordinances of 1866, on which they are based. He was probably removed from office on account of his sustaining and executing the same, together with some forty odd other pretended general laws, and a larger number of pretended special laws, hostile in their character to the United States Government and its loyal citizens, white and colored.

PRETENDED LAWS,

Based upon the Rejected Constitution of 1866, *which are incompatible with the Constitution of the United States, and are either directly or indirectly hostile to the United States Government, and to the loyal citizens thereof; in addition to the twenty-four pretended General Laws leveled at the Freedmen.*

Ch. 6 and 65, and Joint Resolutions No. 22, pp. 6, 64 and 272 —Making appropriations for 11th Legislature.

Insidious attempts to legalize the two preceding rebel "Legislatures." If the bodies that claimed to be the 9th and 10th were not legislatures because they were made up wholly of "public enemies," and were carried on during the existence of active hostilities against the United States Government, the pretended Legislature of 1866 could not by any possibility be "the 11th Legislature."

Ch. 10, p. 7—Lays off Texas into Congressional Districts. This "Act" "gerrymanders" the (geographical) State with a special reference to the vote for Governor Pease at the last general election, so as to make it impossible to elect a loyal member

Ch. 12, p. 10—Provides for a rebel military organization under pretext of defence of the frontier. Not permitted to be executed by Brevet Major General Griffin.

Ch. 30, p. 33--Provides for a special term of the District Court for *Davis* county, which is the rebel name for Cass county.

The name of Cass county was changed during active hostilities expressly to dishonor Gen. Cass on account of his loyalty, and to honor Jefferson Davis on account of his disloyalty. This pretended law was enacted to validate the change.

Ch. 31, p. 23—Supplementary to ch. 10, p. 7.

Ch. 33, p. 24—Makes appropriation under ch. 12, p. 10.

Ch. 34, p. 25—Relieves Assessors and Collectors where tax has been collected "in treasury warrants, or other liabilities of the late Confederate States."

An attempt at a recognition of the so-called "Confederate States," and at the same time to legalize the official collection of rebel paper just as though that was not a crime.

Ch. 35, p. 26—Creates Judicial Districts. Under the pretext of doing this, this pretended act was artfully framed to throw out of office two of the three loyal Judges elected. On being apprised of the fact Brevet Major General Griffin promptly restored them to office.

Ch. 36, p. 28—Supplementary to the preceding.

Ch. 41, p. 32—An apparently public act devised to determine a pending suit.

Such legislation is as reprehensible in morals as unwarrantable in law.

Ch. 48, p. 40—Creates the unnecessary office of State Librarian to provide for the charge of a damaged and broken lot of books which originally cost $5000, and which would not now bring at public auction $1000, the salary of the Librarian for one year.

This "act" is a job to pension the editor of a rebel newspaper because he had been private secretary to Jefferson Davis, and Secretary of State under the rebel Governor of Arizona, and who, when appointed by, and acting under Governor Throckmorton, had not yet taken the amnesty oath.

Governor Pease promtly removed the ineligible incumbent and left the office vacant, declaring that it should so remain.

Ch. 51, p. 42—Appropriates $5000 to pay for a then unpublished law treatise, which, as the Constitution of 1866, is rejected, is no authority as to a very material portion of its contents.

Another job.

Ch. 69, p. 67—Confirms grant of lands to a rebel railroad.

Ch. 79, p. 74—Provides for sale of school lands.

Owing to the rebellion they will not bring their value, so the cause of education is made subservient to the interest of land speculators.

A blow at public schools.

Ch. 85, p. 83—Creates the county of Hood "in honor of Gen. J. B. Hood, of the late Confederate army." (See notice of ch. 30, p. 33.)

Comment upon this is unnecessary.

Ch. 86, p. 84—Amends general railroad law.

As most, if not all, of the railroads of Texas were used with the consent of their officers to aid and abet the rebellion, the United States government may yet enforce the Confiscation Act of August 6, 1861, against them. At all events, the State when re-organized and re-admitted may see how far they have complied with existing laws, and may enforce its lien.

Ch. p. 79. Authorizes guardians and administrators to compound.

Query. Is this done to obviate sales made for "C. S." paper, and instalments made in "C. S." bonds; or, is it a sly mode of sanctioning them? Perhaps widows, orphans, and loyal creditors, would be decidedly better off if such an "Act" had never been passed.

Ch. 91, p. 90. Enables those who, by rebelling, caused certain counties to become disorganized, to take advantage of their own wrong. Most probably, like ch. 41, page 32, this act is a general law prepared with reference to a special case.

Ch. 93, p. 91. To levy taxes.

It makes specie the basis of valuation instead of legal tender notes; is opposed to the U. S. Legal Tender Act.

Ch. 95, p. 93. For the sale of University Lands.

It does this when, in consequence of the rebellion, and of the want of confidence, caused by the disloyal Convention and Legislature of 1866, the lands would not bring near their value. Another attempt of rebel politicians to take advantage of their own wrong. A job combined with a speculation at the expense of the cause of public education.

Gov. Pease put a stop to this scheme.

Ch. 98, p. 95. A cool appropriation of $25,355 33 of the School Fund—which, under our accepted and unrepealed State Constitution of 1845–6, ought to be inviolate—to the State Revenue account.

Everything opposed to our accepted State Constitution (as modified by the amendments to the United States Constitution and the laws passed thereunder) is hostile to the United States Constitution. The pretended legislation of 1866 shows a spirit of hostility to public education for the whites almost as bitter and determined as that manifested towards the public education of the freedmen.

Ch. 113, p. 105. Provides for the public printing.

This "act" carries into effect an ingenious scheme to subsidize a rebel press by covertly paying the highest, not the lowest, price for public printing. (See remarks in ch. 48, p. 40.) Section twelve is contrary to the United States statute touching legal tender, and is remarkable alike for the ideas it aims to embody and the grammar in which they are expressed.

On inquiry at the Comptroller's office, it can be ascertained how much in coin, or in currency at coin rates, has been paid for public printing, as well as what sort of printing it has been.

Ch. 117, p. 111—Appropriation Act for Expenses of 1866.

Functus officio, but bad. (See remarks on Ch. 175, p. 213, post.)

Ch. 118, p. 117—Provides for the issue of bonds for Frontier Defence.

An attempt to do this by a disorganized (geographical) State under a rejected constitution—a Provisional Government while the state or condition of war yet continues—is contrary to the Constitution of the United States.

Ch. 119, p. 118—An attempt to legalize judgments rendered by "public enemies," not unfrequently against loyal citizens, before the state or condition of war is declared by Congress to be at an end, and at the same time to repeal a law in regard to judgments, enacted by competent parties under an accepted constitution.

Ch. 121, p. 120—Supplementary to Sequestration Act of March 15, 1848, &c.

Subject to the objections urged against the foregoing.

Ch. 122, p. 122—To establish an Industrial Board.

Not permissable. (See remarks on Ch. 118, p. 117, and Ch. 119, p. 118.) Besides, it is a job to give salaries to "ex-Confederate States" officers.

Ch. 123, p. 125—Sets apart one acre for a United States Military Cemetery.

An inexcusable and ill-timed display of animosity toward the dead of those whose patriotism, courage and endurance maintained our national cause by victories in the field. In the convention of 1866, United States soldiers were said to be, when living, "the scum of the earth," and their remains, after they were dead, were spoken of as "vile dust," which might, by a too close proximity, contaminate the remains of the rebel dead. Hence, this acre was set apart for them by the Legislature. It is to be noted, that the men who used the brutal epithets cited are described by the Supreme Court of the United States as being "none the less enemies, because they are traitors." (2 Black's Reps., p. 674.)

Ch. 124, p. 125—Amends District Court Act of March 16, 1868. Provides that unknown heirs may be represented by Attorney.

An arrangement far more advantageous to disloyal attorneys than to loyal unknown heirs.

Probably, like Ch. 41, p. 32, an apparently public and general act, artfully devised to dispose of a particular pending suit.

Ch. 138, p. 160—Provides for a bonded Receiving Clerk in the General Land Office.

An adroit device for apparently "locking the stable after the horse has been stolen," after the coin in the General Land Office had been exchanged for "Confederate paper," and nobody held responsible for it. A job.

Ch. 140, y. 163—Provides for enclosing the State Cemetery.

A shabby display of disloyalty, for it appropriates only fifteen hundred dollars for a rough wooden fence, instead of providing sufficient for a permanent wall. This was done by a legislature which, by joint resolution, number five, page 261, appropriated two thousand dollars to exhume and reinter the body of an ex-United States officer, who was not born in Texas—whose domicil, when he was killed, was in the free State of California, where his widow and childen yet live—who never fought but one battle for the "Confederacy, was defeated and fell in that, and whose christian and surname our legislators did not know, for they spelled it wrong three times consecutively in the caption and body of their joint resolution! Truly, they must have been hard run to find a subject for a rebel pageant. Ex-Governor Throckmorton's reflections on Generals Sheridan and Griffin, in his funeral discourse, are in print and need no comment.

Ch. 141, p. 165—Increases salaries above the difference between coin and currency.

The spirit of this enactment is apparent.

Ch. 145, p. 169—Establishes a six months' limitation to suits against "Confederate States" receivers and other rebel officers.

All mention of this act is omitted in the index. It is thoroughly rebel in spirit, and is evidently intended to practically repeal the act of the United States Congress of July 11, 1864, suspending the running of statutes of limitations in the rebel territory.

Ch. 148, p. 185—University of Texas established.

This is attempted in a disorganized State that has not established so much as one free public school. Contrary to the Civil Rights Act, and, besides, a job.

Ch. 150, p. 188—For the collection of State arms.

Well enough, if the so-called "Confederacy" had conquered the United States.

Ch. 151, p. 189—For publication of the reports of the rebel Supreme Court.

This act has two objects—to legalize by implication the decisions of the rebel Supreme Court, and to cause United States currency to be paid for the publication of the same at an arbitrarily fixed discount. Besides, it creates another job. As to the character and decisions of the rebel Supreme Court, see *ex parte* Louisa Merry, 26 Texas reports, pp. 23–4, and *Ib.* pp. 404–5.

Ch. 152, p. 191—Supplementary to ch. 95, p. 93—For sale of University lands. (See remarks on ch. 95, p. 93.)

Ch. 165, p. 204—For collection of back taxes; rebel war taxes inclusive. Stopped by an order of Brevet Major General Griffin.

Ch. 167, p. 208—For the issue of bonds for School Fund.

By ch. 98, p. 95—A portion of the School Fund is unconstitutionally appropriated, and this act aims to supply the place of that together with the rest of that spoliated fund by bonds, before Texas is reorganized and readmitted. The Constitution of 1866 being rejected, this is unauthorized.

Ch. 174, p. 212—Grants lands to railroad companies.

How many of these corporations have forfeited their charters from a non-compliance with the statutes of the State? How many of them are subject to condemnation and sale by the United States government? How many of them are chartered by the pretended Legislature of 1866?

Ch. 175, p. 213—General appropriation act for 1867–8.

Defective, extravagant and unauthorized. Needs to be supplied by a military order.

Ch. 176, p. 219—Empowers towns, counties, &c., to create funded debts.

Wrong in principle, even were the rejected Constitution of 1866 in force.

Ch. 183, p. 288—Regulating fees of office.

It ought to be entitled, "An Act regulating the value of United States legal tender treasury notes in certain cases," as it makes these notes legal tender at a discount adjusted arbitrarily for each fee, contrary to the United States statute as to legal tender.

Ch. 188, p. 255—Makes United States District Clerks the custodians of "Confederate States" district court records, and makes transcripts thereof evidence. The coolest piece of impudence, combined with disloyalty, of all! Comment upon it is needless.

Ch. 189, p. 255—Creates the office of State Engineer.

This is a good job for rewarding some rebel officer or politician. Useless. Governor Pease has removed the incumbent, and left the office vacant.

Ch. 190, p. 257—For assessment and collection of the United States direct tax.

Unnecessary and unauthorized. It aims to throw the fees for collecting the United States direct tax into the hands of rebels, and is so devised as to cause loyal men who have already paid the United States direct tax to a United States officer, and who are in consequence careless as to pretended State legislation in regard to it, to pay a second time.

It is to be observed that the United States Secretary of the Treasury has suspended the further collection of this tax until January 1, 1868.

Ch. 11, p. 9—An act to provide for elections in certain cases.

It is really intended to restore all rebel State officers, except assessors and collectors, to office, "where no election was held or ordered prior to the expiration of the Provisional State Government, on the 13th August, 1866, in accordance with the laws in force." Of course it refers to the rebel "laws" as being in force.

Perhaps this pretended law shows the spirit of the rebellion more fully and distinctly than any other in the volume.

Ch. 45, p. 38—Appropriates two thousand dollars for removing obstructions in Sabine Pass, "placed there by the authorities of the Confederate States government," &c. Loyal men should not be made to pay for this, but rebels alone.

Ch. 46, p. 39—Legalizes election of judge and district attorney in Twelfth District, neither of whom could register or take the test oath, and one of whom has since been removed from the judgeship by or at the instance of Brevet Major General Reynolds.

Joint resolutions 6, p. 262; 8, 263; 9, 263; 10, 264; 16, 268; 21, 271; and 23, 272, in addition to those specified as hostile to freedmen, are all, to a greater or less extent, opposed to the Constitution and laws of the United States—the supreme law of the land.

DOCUMENT "B."

LETTER OF RESIGNATION.

Attorney General's Office,
Austin, October 28, 1867.

General: A few weeks ago several of the gentlemen who have since been appointed to the principal offices of the present provisional government of Texas, together with other citizens, signed a petition, drawn up by myself, to Brevet Major General Griffin (who, to the sincere regret of all really loyal men, is now no more), asking him, in substance, to declare, by a military order, all pretended legislation done in Texas and dating from and after February 1, 1861 (the date of the so-called Ordinance of Secession), to be what the law holds it to be—null and void from the beginning. You are respectfully referred to that petition, which must be on file either in your office or at the headquarters of the Fifth Military District, for the matters it presents and the names of the signers.

On being subsequently appointed to the office of Attorney General, I, with the other officers appointed at the same time, in pursuance of the order of appointment, took the United States test oath, together with the oath of office prescribed by the accepted constitution of Texas of 1845. The same oath appears to have been taken by all the recently appointed officers of the provisional government.

There can be no question as to what State constitution and laws we were sworn to support. The phrase, "since the adoption of this constitution by the Congress of the United States," settles beyond a doubt that we did not qualify to the rebel State constitution of Texas, for it substitutes "since the second day of March, A. D. 1861," for the words cited; nor to the rejected State constitution of 1866, which, had we inserted "since the *rejection*," etc., instead of "adoption," might with propriety be regarded as the instrument to which we made oath.

Having taken a solemn oath, from which I have not been released, to perform the duties of my office agreeably to the only "adopted" or accepted constitution of Texas, and the laws enacted in pursuance thereof (all relating to African slavery having been previously annulled by the thirteenth amendment to the United States constitution, and by-laws to carry the same into effect), I can not conform to the requirements of the proclamation of the Executive of Texas, dated on the 25th inst., but only this day received, which, though in my conception not free from ambiguity in language, has been verbally explained in your presence and before the heads of the departments of the provisional government as being designed to declare the constitution and statutes of 1866, subject to certain exceptions, to be "rules for the government of the people of Texas and the officers of the civil government," or, in other words, our body of municipal law.

Holding, as I do, that the rejected constitution of 1866 and the laws based thereon are neither in force *proprio vigore*, nor by virtue of the military reconstruction act and its supplements, nor yet by Major General Sheridan's order assuming command, I regard the proclamation of the 25th inst. as requiring me to do what is inconsistent with my oath of office as well as with my settled convictions of law.

It is respectfully and earnestly submitted that the proclamation, as explained, promulgates errors fraught with danger to the loyal people of Texas, white and colored, and eminently prejudicial to the national cause, which I deem it to be my official duty to briefly point out.

Laws, organic or otherwise, in the United States, may be unconstitutional on one or both of two independent grounds; because made *against or without the authority of the national constitution*, or because made under the authority of the supreme law of the land and yet intrinsically in conflict therewith. All rebel constitutions and laws are unconstitutional and null and void *ab initio* for the first of these reasons, and very many of them for the second in addition.

If, indeed, as I hold, the constitution and laws of the United States have continued, without cessation, to be the supreme law of the land, the friends (citizens), not to speak of the "public enemies" of the United States, could not, without the authority of the United States government, make any law within our national limits. Any pretended law they might so enact would, to borrow the language of Chief Justice Marshall, be "incompatible" with the constitution of the United States; would necessarily be unconstitutional. If, on so unimportant a subject as defining the times for the sessions of a court, because passed against the authority and without the consent of the national government, which, by the constitution, can only permit admitted States and lawfully organized Territories to legislate, it would be unconstitutional. In contemplation of law, all hostile and unauthorized legislation done in Texas from and after February 1, 1861, is unconstitutional, and no decision can be cited showing that an eclectic system can now be introduced under which we can say that one pretended law *so made* is valid and another void on account of its provisions.

If, on the other hand, the rebel view be correct, and the constitution, etc., etc., of the United States were not the supreme law of the land in Texas, from February 1, 1861, until the date of the surrender of General E. Kirby Smith, valid laws might have been made here, all of which would remain in force after the constitution, etc., etc., of the United States had "again resumed their sway," except such as might be incompatible therewith on account of their contents. Still, there seems to be no authority to show that a State constitution made without the authority of Congress, after General E. Kirby Smith's surrender, which that body subsequently, by the military reconstruction act, provided should never be laid before it for acceptance, but that a new one should be formed by the action of registered voters and presented, can supplant an accepted constitution and the laws passed in pursuance of the same.

According to the theory of government generally adopted in a Republic, the government is regarded as being a collection of agencies of the sovereign people, who furnish to their agents or officers a constitution and laws as their power of attorney beyond which they cannot go. Congress (our collection of legislative agents for national purposes) has not the power to validate a State Constitution or laws made by a people within our limits, hostile to, or not authorized by, the national government. Not having the power to do so, it could not confer such power upon Major General Sheridan as it did not itself possess.

If these propositions be correct, the military reconstruction act and the order cited ought to be construed in accordance with them.

To do so, we have only to regard the word "governments" as employed in the act and in the order in signifying "the bodies of administrators who rule," (see Encyc. Britt., vol. 10, p. 731,) the persons claiming to be and acting as civil officers—nothing more, and not as also including the rejected constitutions of the rebel States with the laws based thereupon.

To hold otherwise would be to assume that Major General Sheridan, when he used the phrase "provisions of law," did not mean, as his language clearly imports, to refer to valid existing laws, but on the contrary intended to validate pretended law; or, in other words, that in his order assuming command he took upon himself to do what his known character precludes him from being charged with—to reject the accepted constitution of Texas of 1845 and to accept the rejected constitution of 1866—to doubly repeal and overrule legislation enacted at different periods by the Congress of the United States.

I am firmly convinced that that officer, who, during his command of the Fifth Military District, gained a reputation for administrative ability scarce surpassed by his achievements in the field, undertook to do nothing of the sort. Hence, I beg leave to protest against his being charged with having put the rejected constitution and "laws" (so-called) of 1866 upon us. Indeed, the character of those "laws" is such that he could not have done so. Not less than eighty-three of such of them as claim to be *public and general* in their nature, are either directly or indirectly hostile to the United States Government, or, to its loyal citizens, twenty-four being leveled at the freedmen; while about two hundred of such as are styled *special* confer magnificent rewards upon those who had been prominent in upholding the rebellion.

Major General Sheridan did not validate rebel judgments and sales under execution had against loyal men, (some of them bearing arms under him at the time,) *because they were in the service of their country*. He did nothing to put down the friends and build up the enemies of the United States; to make loyalty odious and treason respectable in this State. True, notwithstanding the military reconstruction act we did not have a military government established, but instead, a rebel civil government organized under a constitution not accepted, and administering rebel laws, was continued and upheld; but this was done against the earnest and reiterated remonstrances of the commander of the Fifth Military District.

Now, since he at last was permitted to place appointees of his own in power, if rebel laws are to be administered by them, what has the United States Government, what have the people of Texas, in the true political sense of the term—the registered voters, white and colored, who did not make and who have never sanctioned such laws, gained by the change? Had the rebels been victorious in the field, what could they have won beyond the establishment of their laws? When they have lost, must the result be the same?

I am averse to occupying your time and attention farther, or, in this connection, I would trace the progress that has been and is insidiously made by disloyal judges, by means of these pretended laws, toward a judicial justification of the rebellion; and would also give my reasons for believing that the administration of ex-Governor Throckmorton was regarded an impediment to reconstruction, partly, at least, because it executed rebel laws in their spirit.

Having taken the position of Attorney General expressly to aid in the enforcement of our accepted constitution and unquestionably valid laws, and the *programme* having, against my protest, been altered, and a rejected constitution, with disloyal "laws," substistituted, I conceive myself to be under no obligations to continue in office to assist in the administration of a body of municipal law which, in my belief, has not been and could not be sanctioned by the military reconstruction act nor by general order No. 1 of Major General Sheridan.

Not having changed the views to which I subscribed before being appointed, I cannot abandon them now without doing wrong—occupying a false position, and appearing to be actuated not by principle, but by a mere vulgar desire for office.

Sincerely convinced of the correctness of the opinions set forth, which, however objectionable to rebels, it must be conceded would, if carried out, work no prejudice to any loyal man or to the United States Government, I beg leave to transmit through yourself to the Commander of the Fifth Military District this my resignation, to take effect as soon as a successor can be appointed and qualified, so that I can deliver over to him the books and papers of the office.

I remain, very respectfully,
Your obedient servant,
WILLIAM ALEXANDER,

Brevet Major General J. J. REYNOLDS, U. S. A., Commanding the District of Texas.

DOCUMENT "A."

COMPTROLLER'S OFFICE,
AUSTIN, TEXAS, Sept. 5, 1867.

Hon. W. ALEXANDER,
Attorney General of Texas:

SIR: On entering upon the duties of Comptroller of Public Accounts, I am admonished at once of the embarrassments which lie in the way of what I conceive to be a proper and efficient administration of the laws of the State, so far as they relate to this office, which I am sworn to support and to execute.

The first duty devolving upon me arises under Chapter 175 of the General Laws of the Eleventh Legislature of the State, designated "An Act making appropriations for the support of the State Government, for the years 1867 and 1868." The act provides for the payment of sundry sums of money, not necessary to the proper administration of the laws of the State, during its provisional term, nor, indeed, at any time.

The question, upon which the opinion of the Attorney General is solicited, is whether the statute is a valid law of the State of Texas, and, consequently, whether the accounting officers are bound to respect and execute it as such. If not, then what law, if any, beyond the military orders of the Commanding General of the District, is in force? or if in force, what other authority than the United States can now make appropriations for the support of the Provisional Government of Texas?

I shall be pleased to have the early and careful consideration of these enquiries by the Attorney General.

I have the honor to be your ob't serv't,
M. C. HAMILTON,
Comptroller.

ATTORNEY GENERAL'S OFFICE,
AUSTIN, TEXAS, Sept. 7, 1867.

SIR: Your communication of the 5th instant was received on the evening of that day, and its contents have been duly considered. In reply I transmit the subjoined opinion.

I remain, very respectfully, your ob't serv't,

WILLIAM ALEXANDER,
Attorney General.

Hon. M. C. HAMILTON,
Comptroller.

OPINION.

The Constitution of the United States, etc., the supreme law of the land. The accepted Constitution of Texas, which took effect February 16, 1846, *and the laws made under it, the municipal law of the land. The rejected Constitution of* 1866, *and the pretended laws dependent upon it, null and void, ab initio.*

The leading facts bearing upon the inquiry submitted, which, being matters of public and general notoriety, may be taken notice of without proof, are as follows:

Certain politicians of the slave States finding that, as they were in a hopeless minority, they could no longer control the national government, conspired together to organize a rebellion and war against that government, in order that they might overthrow it and establish a stronger and more aristocratic form of government than a republic in its place, constructed with a special reference to the maintenance and extension of African slavery, which was declared to be its "corner stone." In pursuance of this scheme some sixty-one of them, who were citizens of Texas, published a call for a "Constitutional Convention," asking county officers to hold "unofficially" an election for delegates. Rather less than one-third* of the then electors voted for delegates favorable to the conspiracy.† The minority-elected delegates assembled, and on February 1, 1861, passed what is commonly known as the "Ordinance of Secession." They also passed, a little later, what they styled "amendments" to the Constitution of the State of Texas which had been accepted by Congress. It was under this accepted constitution that Texas, on February, 16, 1846, organized as a State, forming a part of the nation known as the United States of America.

---

*From the proclamation appended to the so-called Constitution of Texas, it appears that only 28,119 persons voted for its adoption, a small minority. The delegates to the Convention of 1861 were not elected by so small a minority as that which voted for the (rejected) constitution of 1866.

†This minority controlled the masses by means of secret organization, terrorism and violence.

These "amendments," if operative, substituted for the constitution a new and essentially different instrument, asserting allegiance to a treasonable organization, never recognized[*] as a government by any existing nationality, called the "Confederate States of America." These "amendments," or new rebel constitution, are claimed to have continued in force until superceded, in 1866, by another constitution, also passed under the guise of "amendments" (materially different from its predecessor, and from the constitution of 1845–6), and which was rejected by the United States Congress.

What purports to be the "law" in regard to which you inquire, was passed under and is dependent upon the instrument last referred to. If the one is the Constitution of the State of Texas, the other is a law; but not otherwise.

[*] The non-recognition of the so-called Confederate States Government, and of every pretended State thereof, prevents their being taken notice of by courts and judicial officers. This is perfectly well settled by the Supreme Court of the United States.

The following is the language of Chief Justice Marshall, in the case of Rose v. Himely, 4 Cranch, 272:

"The colony of San Domingo, originally belonging to France, had broken the bond that connected her with the parent state, had declared herself independent, and was endeavoring to support that independence by arms. France still asserted her claim of sovereignty, and had employed a military force in support of that claim. A war *de facto* then unquestionably existed between France and San Domingo. It has been argued that the colony, having declared itself a sovereign State, and having thus far maintained its sovereignty by arms, must be considered and treated by other nations as sovereign in fact, and as being entitled to maintain the same intercourse with the world that is maintained by other belligerent nations. In support of this argument the doctrines of Vattel have been particularly referred to. But the language of that writer is obviously addressed to sovereigns, not to courts. It is for governments to decide whether they will consider San Domingo as an independent nation; and until such decision shall be made, or France shall relinquish her claim, courts of justice must consider the ancient state of things as remaining unaltered, and the sovereign power of France over that colony as still subsisting."

The principle stated in the foregoing citation is commented upon and reaffirmed by Mr. Justice Story, in the case of Gelston v. Hoyt, 3 Wheaton's Reports, 324, as follows:

"No doctrine is better established than that it belongs exclusively to governments to recognize new states in the revolutions that occur in the world; and until such recognition, either by our own government or the government to which the new state belonged, courts of justice are bound to consider the ancient state of things as remaining unaltered. This was expressly held by this court in the case of Rose v. Himley (4 Cranch, 241), and to that decision on this point we adhere. And the same doctrine is clearly sustained by the judgment of foreign tribunals. (The Manilla, 1 Edwards Reports, 1. The city of Berne v. the Bank of England, 9 Ves. 347. Dolter v. the Bank of England, 10 Ves. 353: 11 Ves. 283.)"

A citizen of an unacknowledged government cannot maintain a suit in chancery. Bire v. Thompson, cited in 1 Rob. Prac. 60; Thompson v. Powles, 2 Simmons, 194; 2 Cond. Eng. Ch. Rep. 378. See also for analogy furnished, Kennett v. Chambers, 14 How. 38.

The Constitution of the United States is conclusive as to this, as it declares that it, with the treaties and laws made in pursuance thereof, are the supreme law of the land. No authority can be found showing that the supreme law of the land ever ceased to be in force for any moment of time that has elapsed since it first took effect, and over every square inch of ground within our national limits. If all the time in force, no pretended constitution incompatible with it, and no "law" dependent upon such constitution, has existed in Texas since Texas first became a State in the Union.

The three departments which together make up the national government have also separately furnished constructions throwing light on the matter in hand, which accord with the supreme law of the land and with each other.

Firstly (in order of time), the Judiciary—the Supreme Court of the United States has decided that, the rebellion amounted to a war; that the rebels were "the public enemy" of the United States, and that they were "none the less enemies because they were traitors." (2 Black's Rep. 674.)[*]

---

[*] See also Bland v. the Adams Express Company, 1 Duval's Ky. Rep. 232, in which it was decided that "Confederate soldiers" commanded by John Morgan, were the "public enemy," and that in consequence the Adams Express Company was not, as a common carrier, responsible to the owners thereof for money captured by the "Confederate soldiers" when in transit in its safe.

It is to be observed that the statutes of the so-called Confederate States term the citizens of the United States "alien enemies." The records of the so-called Confederate States District Court at Austin show that all the personal property and real estate it could reach, that belonged to loyal citizens of the United States, was sequestered and sold as the property of "alien enemies" Even the American Bible Society's books were condemned and sold. It has been estimated that not less than twelve million dollars worth of lands were condemned and sold by that branch of the Confederate States District Court for a mere trifle. The pretended laws of the rebel organization that claimed to be the State of Texas, also treat loyal citizens of the United States as their enemies. See for example "General Laws of the Ninth Legislature," p. 35, ch. 12; and p. 39, chs. 51 and 52. One of these "laws" merits special attention, and is as follows:

CHAPTER XVI.

An Act to exclude from office, serving on juries, taking or holding property, and from the rights of suffrage, all persons who take the alien oath, leave our country to avoid the service, or who join the enemy or in anywise give them aid and comfort.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That no person, being a resident of the State, or of any one of the Confederate States, who may, during the existing war between the Confederate States and the United States, take the oath commonly known as the alien oath, whereby he claims the protection of any foreign government as a shield from serving in the cause of the Confederate States in their present struggle, or who may leave, or having left, remain absent, from this State or any of the Confederate States, to avoid participating in behalf of the Confederate States; or who may join, or having joined, continue in the army, or service, or employment of the United States, or who may conceal himself and thereby avoid service in our cause, or who may, in any-wise, give aid and comfort to the enemy, shall, upon conviction thereof before any court of competent jurisdiction, take or hold any estate, real, personal or mixed, whether by purchase, gift, devise or descent, in this State, nor hold any office of trust, profit or honor, nor vote at any election, nor serve on any juries in any court within this State; provided, that persons who shall prove themselves to be *bona fide* neutrals and citizens of a friendly power, shall not be subject to the provisions of this act.

SEC. 2. That the judgment of the court upon the verdict of a jury in any one of the causes enumerated in the preceding section, shall be sufficient evidence of the guilt

By the law of war, public enemies have no political rights under the government against which they are warring. As regards it, they have, in general, only the right to be killed when in arms in the field, and to be treated as prisoners of war in case they are forced to surrender. A citizen who assumes, and is recognized in, the incompatible character of a public enemy, *ipso facto* forfeits his citizenship. No argument is required to prove that public enemies, when inside our national boundaries, are incompetent to do what loyal citizens alone may do, and even they only with the (at least) implied consent of Congress that they should set about the work, and the express approval of Congress when it is completed and submitted. (Const. of the U. S., art. 4, sec. 4. See also the Military Reconstruction Act (No. 68) for the conditions precedent imposed.

Secondly, the Executive Department of the National Government—the President, has put himself upon the record repeatedly,* and in various ways, in harmony with the Judiciary. To cite one example: In his proclamation of June 17, 1865, appointing General A. J. Hamilton Provisional Governor, he declared that the rebellion had deprived Texas of "all civil government." If the rebels had, by their own criminal conduct, deprived themselves of all civil government, it is not perceived that, while in that condition, they could perform *any* governmental act, much less set aside a State constitution, made by competent parties, and accepted by Congress, together

---

of the party, in any suit or proceeding that may subsequently arise, on any issue made, upon any question involved in the said first section.

SEC. 3. That for the offences enumerated in the first section of this act, the party may be prosecuted at any time within five years after the ratification of a treaty of peace between the Confederate States and the United States.

SEC. 4. That this act take effect from and after its passage.

Approved March 5, 1863.

(General Laws, extra session, Ninth Legislature, p. 12.)

See also the Joint Resolution on page thirty-six of the General Laws of the same session, in which Major General Butler is described as "better known as Butler the Beast," and the laws changing the names of Cass, Buchanan and Walker counties to Davis, Stephens and (Samuel H., impliedly,) Walker counties. General Laws Ninth Legislature, ch. 14, p. 8, and Special Laws Tenth Legislature, ch. 12, p. 39; *cum multis aliis.*

It will doubtless be contended that this "law" was repealed by Ordinance No. 11 of the Convention of 1866. If the rejection of the work of the Convention of 1866 by Congress made it as valid as the acceptance would have made it, the "law" in question may be regarded as repealed by it, but not otherwise.

However, it can scarcely be claimed that the Convention of 1866 attempted to repeal certain very obnoxious laws passed preparatory to the rebellion, such as that authorizing magistrates to search the United States mails, and to take out and burn abolition documents, etc. (General Laws of Eighth Legislature, pp. 99, 100); that prohibiting negroes from holding religious meetings, unless two slaveholders should be present, etc. (Ib., pp. 101, 102.)

From a hasty examination, I have been unable to discover that articles 915, 916, of the Code of Criminal Procedure (see O. & W. Digest, pp. 669, 670), which provide for selling free persons of color into slavery, have ever been attempted to be repealed.

*In each of the several proclamations appointing Provisional Governors for the other insurgent States, the President made use of the same language. Indeed the form of proclamation was printed with a blank for the name of the State, and was issued officially when the blank was filled up and the date affixed. One of these proclamations, of which a large quantity, with the blanks unfilled, was sent by the State Department to Texas, is now before me.

with the laws and civil rights that had accrued under it, during the lapse of years of peace and comparative good order.

Though it was a matter of public and general notoriety that what claimed to be a State Government existed in Texas; that persons claiming to be "officers," occupied all the public offices, and that such had been the case continuously since February 1, 1861; it is worthy of note that our Chief Magistrate very properly ignored both that government and its officers. Regarding them as illegal, he did not trouble himself to remove F. S. Stockdale, Esq., who, as "Lieutenant Governor," claimed to be "Governor," when P. Murrah, Esq., had absconded to Mexico, but appointed General Hamilton, without taking the slightest notice of him whatever.

Thirdly, the Legislative Department of the National Government—Congress, appears to have concurred fully with the views given by the Judiciary and Executive Departments, though it has expressed itself in more moderate terms. It has set forth, in the preamble to the Military Reconstruction Act of March 2, 1867, (No. 68), that "no legal State Government exists in Texas," etc. This may be regarded as a statutory fact. If no legal State government existed in Texas on March 2, 1861, when the ordinance of secession took effect in a disorganizing act, and related back to February 1, 1861, the date of its passage, there did not exist, then nor since, any power, on the part of the rebels of Texas, competent to modify the State constitution and laws. A State constitution can, in general, only be altered by means of a legal State government, and with the express approval of the work by Congress, subject to the exceptional case of a modification through the operation of amendments to the National Constitution, and of laws enacted under and by virtue of such amendments.

It is fairly inferable, from the expressions of its departments, that the National government regarded what are termed the insurgent or rebel States, as disorganized *political* States, which, as their boundaries were never changed by law, were considered as mere *geographical* States; nothing more. Though unquestionably aware that what were called "governments," continuously existed in them, it ignored those pretended governments, as they were not legal, considering that the persons claiming to be the officers occupied no higher ground than men who, finding public offices empty, entered, and gave themselves out to be officers. The United States government has never admitted, and could not, under the constitution, admit the Texas Ordinance of Secession to be other than null and void *from the beginning*, together with all pretended legislation connected with or dependent upon it. The United States government has only done what implies that it regards that void ordinance as fixing the date when, according to the rebels, the disorganization under the State constitution occurred. A State may disorganize without making a futile attempt to secede. For example, were all the officers of the three departments of a State government at once to die, resign, leave the State, or accept incompatible offices, the State would be disorganized, though, as in the case under consideration, *the constitution and laws would remain intact;* and enabling legislation, on the part of Congress, would be required to assist the geographical State to regain its lost character of a political State, and to resume its working relations to the National government, of which it never ceased to form a part.

The rebellion and war had no legal effect, save to produce disorganization. It did not repeal any thing. The resistance or escape of a vast number of criminals, for a greater or less period of time, *when they are afterward captured, and put subject to the supreme and municipal law of the land*, does not make them a *de facto* government, nor empower them to repeal the civil and criminal statutes, nor the constitution on which those statutes are based, any more than does the resistance or escape of a single criminal.

Were the pretended legislation of the rebels, framed in defiance of the constitution, held valid, no honest or loyal purpose would be effected thereby, and a greater impediment would be interposed to reconstruction than any now in existence. There is nothing in its character that would justify or even excuse us in holding that it swept away an accepted constitution, with the laws that had been enacted and the rights that had accrued under it. Our laws, as they stood on February 1, 1861, were generally more just and efficient for the ends of justice, than at any previous time—far more than any pretended laws of a later date. Whatever then has been done in Texas during the rebellion, that was lawful, considered with reference to our constitution and laws as they stood at the date of the attempted secession, except where inconsistent with the National constitution as amended, and laws, is as valid as if done at any earlier period. Lawful contracts, marriages, etc., made then, are as binding as they would be had they been made previously.

The pretended constitution (ordinances included) of 1866, passed under the style of "amendments," is not only null and void for reasons already indicated, but for additional considerations. It shows on its face that it is the work of disloyal men, actuated by a subdued hostility to the United States government. Besides, it is founded and built up upon the rebel State constitution, (which had been previously adopted under the guise of "amendments" also), and not the State constitution accepted by Congress, which "public enemies" were incompetent to set aside or alter. Taken with the ordinances, it amounts to an insidious attempt to legalize so much of the rebel State constitution and laws as is not openly and directly opposed to the National constitution, and thus to make the legislation of the rebels, since February 1, 1861, (inclusive), as far as possible, *con*structive as regards itself, but *de*structive as regards the supreme law of the land and the accepted State constitution, with the laws enacted under it, as they existed and continue to exist.

In order that a State constitution should be so framed in a disorganized State, that Congress *can* accept it, not only must the conditions precedent imposed by the Military Reconstruction Act, as explained by its supplements, be observed, but it must ignore the rebel State constitution and laws, and must be based upon the (accepted) State constitution and statutes; for, in legal contemplation, they are the municipal law of the land.

When Congress accepts a State constitution, it is valid; hence, when Congress rejects one, it must be void. On principle, the rejection of a State constitution does not merely exclude United States Senators and Representatives elected under it, but makes it a nullity, and we are thrown back upon the old State constitution. A rejected constitution is not cognizable by the judiciary. (Luther v. Borden, 7 How. 42).

Under the constitution of the United States, but three sorts of governments, in the nature of State governments, are possible: Territorial governments, State governments, and, where either of them are disorganized, from the necessity of the case, military governments. What are termed provisional governments, under the acts of Congress, are but subordinate parts of military government.

More inconvenience would be unjustly wrought upon loyal men by holding that the legislation of fifteen years has been swept away by rebels, than would be justly wrought upon rebels by holding their pretended legislation of the last six years to be what the law holds it to be—void.[*] The "legislation" of the rebels, during the earlier part of the rebellion, was not only hostile to our country, but was in itself eminently unjust and unscrupulous. Nor are the "laws" of the last so-called Legislature otherwise. They, too, are persistently leveled against the United States Government and its loyal citizens, and not a few of them are artfully contrived to effect fraudulent and criminal designs, not apparent on the surface.[†] Certain of them, such as the "Labor," "Persuading," "Vagrant," "Fire-Arms," "Apprentice," "Tax" and "School," &c., "laws," amount to a cunningly devised system, planned to prevent equality before the law, and for the restoration of African slavery in a modified form, in fact, though not in name. They were designed to defeat justice.

---

[*] The rebel State "laws" permitted the property of estates to be sold for "Confederate paper," and the money of estates to be invested in "Confederate bonds," to the great loss of widows, orphans and loyal creditors, who, as they were unable to protect themselves, the government is morally bound to protect. They also authorized "Confederate paper" to be received at par for land warrants at the General Land Office. A vast quantity of land warrants were obtained for this paper at the actual cost of one cent per acre.

[†] See for example, ch. 41, p. 32, of the volume entitled General Laws of 11th Legis-

The so-called "Special Laws" of 1866 appear to have been devised chiefly to reward, *at the cost of the people*, leading rebel military men, politicians and contractors, for their services in behalf of the rebellion, by granting them a great number and variety of charters, which, if valid, would be worth millions.

It may not be amiss to briefly consider the views of those persons who, whether because they are disloyal, or because their judgments have been warped by the pressure of the rebellion, differ from what has been hereinbefore advanced. Such of them as are rebels admit that the Supreme Court was right in declaring them to be "the public enemy," but not in deciding them to be also "traitors." They claim that they were not only public enemies, but were more—were a foreign nation. It seems never to have occurred to them that, if so, as Congress, the war-making power, have not yet declared the state or condition of war ended, and as they have never been naturalized and enfranchised, in 1866 they could not legislate at all. They and their sympathizers hold the statement of the President, that they had deprived themselves of "all civil government," to be simply untrue in point of fact, instead of construing it fairly to mean what that officer intended, that they had no government that he was bound to respect.

Instead of construing the Military Reconstruction Act in accordance with the settled principles of the law, so as to make it all to stand, these people misconstrue it in an absurd manner, making it alike self-destructive and unconstitutional—contending that while in its preamble it declares that no legal State Government exists in Texas, it legalized the so-called State Government in existence at its passage, and thus makes a military government unconstitutional! They construe the words "that may exist" to read, "that do or may exist," contending that rebels can *be* officers, without taking the test oath, who cannot *be appointed* officers, because unable to take the test oath. As a matter of course, they produce no warrant of law for their style of construction. All their arguments are based upon a tacit assumption of what they have not the hardihood to directly

---

lature, This act, though apparently general in its terms, was devised to cause a widow to lose a valuable tract of land involved in a pending suit.

See also ch. 145, p. 169, in the same volume of which is omitted in the index. Also joint resolutions 4, 5 and 13, appended to the same volume.

assert—that the Constitution, &c., of the United States have not been continuously since February 16, 1846, and till now, the supreme law of the land in Texas. They are not unaware of the effect, which this proposition, if true, would produce upon the United States laws, passed since February 1, 1861, such as the Direct Tax law, the Internal Revenue law, the law establishing United States Circuit Courts, the law declaring Statutes of Limitation not to run, &c., &c. Hence they insidiously aim, by inducing acquiescence, sufferance and delay, on the part of those charged with the execution of the law, and, indeed, by all other indirect means, to get their theory established—that, during four years, the Constitution and laws of the United States, with the State Constitution accepted by Congress, and the laws made under it, were not in force in Texas, but were supplanted by the rebel "C. S." and State Constitutions, to which the United States Constitution and laws, (except those passed during the four years), and the rejected State Constitution of 1866, with the laws made under it, are the successors, or heirs at law.

Indeed, some of them very gravely contend for a proposition, than which they can scarce go farther, that the validity of the rebel statutes must be determined, (in each case separately,) by comparing them with the United States and the accepted State Constitutions. They might, with equal warrant of authority, and with greater plausibility, argue that Canadian statutes may be tested by the Constitution of Mexico. As the statutes of Canada were not framed with reference to the Mexican Constitution as the paramount law; so the rebel statutes were not drafted with reference to the United States and accepted State Constitutions, as the superior and controlling law. There the parallel ends. The Dominion of Canada never having been at war with Mexico, the Canadian legislation is, at least, not hostile in its character. It was not devised by a criminal organization, co-operative in all its parts, to dismember and overthrow our sister Republic. It is needless to consider such propositions.[*]

Had Congress expressly declared, in the Military Reconstruction Act, that legal governments existed, at the time of its passage, in the rebel States, that declaration would have made the act unconstitutional. The conditions precedent required by the act to be complied with by loyal citizens, viz: Registration, the adoption of a Constitution, its submission to and approval by Congress, and the adoption of the proposed Amendment to the Constitution of the United States, show that it was not designed to legalize the work of rebels unconditionally.

---

[*] One, however, is so curious that it deserves to be noticed. Although under the U. S. Constitution only three sorts of governments in the nature of State governments are possible, viz: Territorial, State, or where they are disorganized *ex necessitate rei*, Military, they vaguely assume that there may be a fourth sort, which they call *Provisional Governments:* evidently not comprehending that what are called "Provisional," under the laws of Congress, are but subordinate parts of military governments.

It is idle to argue with persons who contend that a rejected State Constitution with the laws made under it are as valid as an accepted State Constitution and the laws made under it.

Because, therefore, the Constitution, treaties and laws[†] of the United States have been continuously, since February 16, 1846, the supreme law of the land in Texas: because our State Constitution, (under which Texas organized on February 16, 1846,) and laws, as they stood on February 1, 1861, have continued to be the municipal law of the land, and for the other reasons stated, no pretended legislation by criminal and incompetent persons, hostile to or unauthorized by our National and State Constitutions, can be regarded as law.

The pretended "law" as to which you inquire was null and void from the beginning.

Under the Military Reconstruction Act and the acts supplementary thereto, the General in command of this District has not merely the power to supply the place of any law which may have expired by its own terms, or become inapplicable in consequence of the changes wrought by the rebellion, but can make any orders legislative in their nature, which he may regard as necessary for the public good.

[†] Not excepting the U. S. direct tax law, of August 6, 1861; the internal revenue law of July 1, 1862; the law establishing U. S. Circuit Courts in Texas, of July 15, 1862; the law suspending the running of statutes of limitation in cases civil and criminal, of June 11, 1864, &c., &c.

The rebels seek to get it established, that these acts were not in force in Texas until E. Kirby Smith surrendered. Coolly assuming that the rejected State Constitution of 1866, on which the pretended laws of 1866 depend, is as valid as if it had been accepted and that, too, in spite of its being based upon a rebel State Constitution, not upon our accepted Constitution and State laws as they stood on February 1st, 1861, they rely chiefly on considerations of "policy" and the *argumentum ab inconvenienti.* So far as "policy" is concerned, they are referred to the opinion of Judge Thornton, published in the Austin Republican of September 11th. They complain of hardships and inconvenience. By a wicked attempt to subvert the supreme and municipal law of the land, they brought about such confusion as exists, and now they modestly ask us, in violation of principle as well as of positive law, to legalize that confusion, instead of returning to the simplicity of a Constitution and statute law, which they were incompetent to overthrow.

RULES OF THE CONVENTION.

S H Russell

RULES OF THE CONVENTION.

REPORTED BY THE COMMITTEE ON RULES, JUNE 4, 1868, AND ADOPTED.

[*See pages* 19, 22, 23.]

DUTY OF THE PRESIDENT.

1. He shall take the chair every day precisely at the hour to which the Convention shall have adjourned, call the members to order, and direct the Secretary to call over the names of the members. On the appearance of a quorum, he shall have the journals of the preceding day read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat to do so, and shall decide questions of order, subject to an appeal to the Convention by any member; on which appeal no member shall speak more than once, unless by leave of the Convention.

3. When a motion is regularly made, which places a question fairly before the Convention, the President shall distinctly put it in this form, to wit: "As many as are of the opinion that (as the case or question may be) say Aye;" and after the affirmative is expressed, "As many as are of the contrary opinion, say No." If the President should doubt, or a division be called for, the Convention shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4. The President shall examine and correct the journal before it is read. He shall have a general direction of the hall; he shall have a right to name any person to perform the duties of the chair, and in case of sickness or inability of the President to discharge the

duties of his office, the Convention shall be called to order by the Secretary, who shall direct an election to be held for President *pro tem.*, who shall preside during the absence of the President.

5. All committees shall be appointed by the President, unless otherwise specially directed by the Convention, in which case they shall be appointed by ballot; and if, upon such ballot, the member or members required shall not be elected by a majority of the votes given, the Convention shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the Convention shall proceed to further ballot or ballots.

The standing committees of the Convention shall consist of the ollowing, viz:

A Committee on the Political or Legislative Department.

A Committee on Judicial Department.

A Committee on Executive Department.

A Committee on General Provisions.

A Committee on Finance.

A Committee on Education.

A Committee on Internal Improvements.

A Committee on Immigration.

A Committee on Public Debt.

A Committee on Public Lands.

A Committee on Apportionment.

A Committee on State Affairs.

A Committee on Federal Relations.

A Committee on Printing.

A Committee on Contingent Expenses.

A Committee on Counties and County Boundaries.

A Committee on Engrossed Provisions.

A Committee on Enrolled Provisions.

A Committee on Style.

A Committee on Engrossed Bills.

A Committee on Enrolled Bills.

A Committee to Examine Comptroller's and Treasurer's Offices.

A Committee on Commerce and Manufactures.

6. In all cases of election, or when the yeas and nays shall be taken by the Convention, the President shall vote. In other cases he shall not vote, unless the Convention be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division the question shall be lost.

7. All declarations, addresses and resolutions shall be signed by the President; and all writs, warrants and subpenas issued by the Convention shall be under his hand, and attested by the Secretary.

8. In case of any disturbance or disorderly conduct in the galleries or lobby, the President or the Chairman of the Committee of the whole Convention shall have power to order the same to be cleared.

9. Stenographers and reporters wishing to take down the proceedings may be admitted by the President, who shall assign such places to them, on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the Convention.

ORDER OF BUSINESS.

10. As soon as the journal is adopted, the President shall call for petitions. The petitions, having been presented, received and read, shall be disposed of as follows:

1st. By motion to reject.
2d. To lay on the table.
3d. To postpone to a certain day.
4th. To commit.
5th. To postpone indefinitely.

The order of commitment shall be:

1st. A Standing Committee.
2d. The Committee of the whole Convention.
3d. A Select Committee.

Then reports—first from the Standing Committees and then from Select Committees—shall be called for and disposed of.

Then declarations and resolutions shall be in order.

11. After petitions, reports from committees, and declarations and resolutions are gone through, the unfinished business in which the Convention was engaged at its last preceding adjournment, if any there be, shall be disposed of. Then it shall be in order to entertain a motion that the Convention do now proceed to dispose of the business on the President's table, and to the orders of the day; which being decided in the affirmative, the President shall dispose of—

1st. Simple resolutions.
2d. Declarations on their third reading.
3d. Declarations on first and second readings.

12. After the business on the President's table has been reached, no business shall be introduced without leave of the Convention.

13. The orders of the day shall always have precedence when the hour for considering the same has arrived.

REPORTS.

14. When a committee reports to the Convention a declaration referred to them, and recommends its passage without amendment, the report, when submitted to the Convention, shall be read, and, together with the declaration, shall then be placed in its order on the President's table. If amendments or substitutes for the entire original declaration are proposed by the committee, they shall be read as being part of the report, and with the declaration, in their proper place, come up in order for their adoption.

15. When a declaration originates with a committee, their report shall be read (including the declaration), which declaration shall be marked by the Secretary as being read first time. When the Committee on Enrolled and Engrossed Declarations report, the question shall be on the *acceptance* of the report only. The reports of said committees shall be in order at any time.

16. When a committee report the indefinite postponement of a declaration, or anything which may require a vote of the Convention, the report shall be read and placed in its order on the President's table. All reports of committees shall be copied in or appended to the journals.

DECLARATIONS AND RESOLUTIONS.

17. Every declaration shall receive three several readings in the Convention previous to its passage. All declarations shall be acted upon in their order, unless the Convention shall direct otherwise; but no declaration shall be read twice on the same day, without the suspension of the rule by a majority of four-fifths of the Convention.

18. The first reading of a declaration shall be for information; and if opposition be made to it, the question shall be, "Shall the declaration be rejected?" If no opposition be made, or if the question to reject be negatived, the declaration shall be open for commitment.

19. Upon the second reading of a declaration, the president shall state it as ready for amendment or engrossment.

20. No amendment shall be received at the third reading of a declaration without the consent of two-thirds of the Convention; but a declaration may be recommitted by a majority vote, and should the committee report an amendment, the declaration shall be considered as on its second reading.

21. When the vote is taken to engross, and is negatived, it amounts to the rejection of the declaration.

22. When a declaration has passed its third and final reading, the same shall be certified by the secretary, noting the day of its passage

at the foot thereof; but he shall not certify to the passage of any bill after the adjournment of the Convention *sine die.*

RESOLUTIONS.

23. Resolutions shall take the same course prescribed for declarations. A resolution may be introduced at any time, by leave, and acted upon at the pleasure of the Convention. A resolution requesting information from the governor of the State, or directing it to be furnished by the heads of either of the executive departments, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the Convention; and all such resolutions shall be taken up for consideration in the order they were presented, immediately after reports are called for from the select committees, and when adopted, the secretary shall cause the same to be delivered.

24. When the reading of a resolution or any paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Convention.

AMENDMENTS.

25. When a committee reports a substitute or other amendment, the secretary shall read the same. If no proposition be then made to amend, the question shall be on concurring in the amendment or substitute.

26. An amendment beyond the second degree shall not be entertained.

27. A substitute, when adopted, takes the place of the original, and is subject to amendment.

QUESTIONS.

28. Any member may have the question before the Convention divided, if susceptible of division, into distinct questions, such member submitting his proposition to divide in writing, if required by the President to do so.

29. It shall require ten members to second a motion for the previous question, which shall be in this form: "Shall the main question be now put?" If a majority of the members present vote in the affirmative, the main question shall be put. The previous question shall be decided without debate; and until it is decided, it shall preclude all amendments, motions and further debate of the main question.

DECORUM AND DEBATE.

30. When a member is about to speak in debate, or to communicate any matter to the Convention, he shall rise from his seat, and respectfully address himself to "Mr. President." He shall confine his remarks to the question under debate, and shall avoid personality in his language. When two or more members rise at once to address the Convention, the president shall name the member who is entitled to the floor.

31. If a member, in debate or otherwise, transgresses the rules of the Convention, the speaker shall, or any member may, call him to order. The member so called to order, shall immediately take his seat, unless permitted to explain. The Convention, if appealed to, shall decide the appeal; if no appeal be taken, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the Convention; and if the case requires it, he shall be liable to the censure of the Convention.

32. No member shall speak more than twice on the same question, unless by leave of the Convention; nor more than once unti every member, choosing to speak, shall have spoken.

33. If the question pending be lost by the adjournment of the Convention, and revived on succeeding day, no member who shall have spoken twice on the preceding day, shall again be permitted to speak without leave of the Convention.

34. While the President is putting any question, or addressing the Convention, he shall rise from his seat, and no one shall walk across or out of the Convention, or entertain private discourses.

35. While a member is speaking, no one shall pass between him and the Chair.

36. No member shall absent himself from the sittings of the Convention without leave, unless in case of sickness.

37. A member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of three other committees.

38. No declarations, except those of a general nature, shall be taken up out of their regular order, unless by consent of four-fifths of the members present.

39. No member shall look over the Secretary's count while summing up the vote upon any question, and every member so offending shall immediately be declared out of order by the President.

40. Neither smoking within the bar, nor sitting upon tables shall be allowed; and no member shall address the Convention from any other than his own seat, nor wear his hat during the session of the Convention, nor enter the Convention in his shirt sleeves.

41. Every motion shall be reduced to writing, if the President or any member requires it.

42. When a motion is made and seconded, it shall be stated by the President: or if it is in writing it shall be handed to the President and read aloud by the Secretary before debate.

43. After a motion is stated by the President, or read aloud by the Secretary, it shall be considered in the possession of the Convention; but it may, by leave of the Convention, be withdrawn at any time before it has been amended or decided.

44. When a question is under debate, no motion shall be received except the following:

1st. To adjourn.
2d. To reconsider.
3d. To lay on the table.
4th. The previous question.
5th. To postpone to a day certain.
6th. To commit.
7th. To amend.
8th. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are stated.

The same motion, to postpone to a day certain, to commit, or to postpone indefinitely, after being decided, shall not be again allowed on the same day, and at the same stage of the declaration or proposition.

46. A motion to strike out the enacting words of a declaration shall have precedence of a motion to amend, and, if carried, shall be equivalent to a rejection.

47. When a motion is made to refer any subject, and different committees are proposed, the question shall be taken in the same order as that prescribed for referring petitions in rule number ten.

48. A motion or proposition on a subject different from that under consideration shall not be admitted under color of amendment.

49. Motions may be committed or laid on the table at the pleasure of the Convention.

50. When a motion has been decided by the Convention, any member who voted with the majority may move a reconsideration thereof, on the same day or the succeeding day; and such motion to reconsider shall have precedence of all other questions or motions, except a motion to adjourn; but no motion to reconsider shall be entertained by the Convention, on any declaration or resolution, more than once at the same stage thereof. Motions to reconsider a vote taken on any question, and to lay the same on the table, may be made simultaneously by the same member; and if the motion to lay on the table is carried, there shall be no further action on such question during the session.

51. A motion to lay on the table, or to adjourn, shall be decided without debate; and a motion to adjourn shall be always in order except when the previous question shall have been ordered by the Convention, yet this motion cannot be received after another question is actually put, and while the Convention is engaged in voting. When a motion to adjourn is made, the question shall be put immediately, and no motion to adjourn for a longer or shorter time shall be received until the first is decided or withdrawn.

52. On a motion to fill a blank, the largest sum and the longest time shall have precedence.

53. No motion to admit any person whomsoever, in the Convention, to present a petition, memorial or address, or to hear it read, shall be in order.

54. A motion to strike out, if lost, shall not preclude a motion to amend, or strike out and insert.

CALLS OF THE CONVENTION.

55. Fifteen members shall be necessary to sustain a call of the Convention, and upon a call of the Convention, the names of the members shall be called alphabetically by the Secretary, and the absentees noted; after which the names of the absentees shall be called again. If they do not answer, the Sergeant-at-Arms or a special messenger may be sent for them, and the question pending shall be, without a motion, laid on the table, until the absentees appear or the call is suspended.

56. When a member shall be discharged from custody and admitted to his seat, the Convention shall determine whether or not such discharge shall be upon payment of fees; and in like manner whether or not a delinquent member taken into custody by a special messenger shall defray the expense of such special messenger.

57. Any fifteen members (including the President, if there be one,) shall be authorized to compel the attendance of absent members.

VOTING.

58. In all cases of ballot, except for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such majority on the first ballot, the ballot shall be repeated until a majority is obtained.

59. No member shall vote on any question in the event of which he is immediately or particularly interested, nor shall he vote in any case where he was not present when the question was put, except by leave of the Convention; and no member who is absent from the Convention shall be permitted to vote by a committee.

60. Upon a division and count of the Convention on any question, no member without the bar shall be counted. Every member who shall be in the Convention when a question is put shall give his vote, unless the Convention, for special reasons, shall excuse him.

61. The yeas and nays of the members of the Convention on any question shall, at the desire of any three members present, be entered on the journals, if the call is made before the result of the vote shall be announced by the Chair. In taking the yeas and nays the names of the members shall be called alphabetically.

62. In all cases where other than members of Convention shall be eligible to office by an election of the Convention, there shall be a previous nomination.

SERGEANT-AT-ARMS.

63. There shall be a Sergeant-at-Arms elected by the Convention, whose duty it shall be to attend the Convention during its session; to execute the commands of the Convention from time to time, and all process issued by the authority of the Convention that may be directed to him by the President.

64. The Sergeant-at-Arms shall be allowed for every arrest the sum of two dollars, and for each day's custody one dollar, and for traveling expenses for himself or special messenger, twelve and a half cents per mile for every mile traveled in going and returning.

COMMITTEE OF THE WHOLE.

65. It shall be in order throughout the session for the Convention to resolve itself into a Committee of the Whole Convention.

66. In forming a Committee of the Whole Convention, the President shall leave his chair, and a Chairman to preside in committee shall be appointed by the President.

67. The rules of the Convention, as far as applicable, shall be observed in Committee of the Whole.

68. Upon declarations committed to a Committee of the Whole Convention, the declaration shall be first read throughout by the Secretary, and then again read and debated by clauses, leaving the

title to be last considered; the body of the declaration shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the Convention; after report, the declaration shall again be subject to be debated and read by clauses, before a question to engross it be taken.

SUSPENSION AND RECISION.

69. No standing rule or order of the Convention shall be rescinded or changed, without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by the vote of at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the Convention, be postponed or changed, except by a vote of at least two-thirds of the members present; provided, that it shall be in order for the Committee on Enrolled and Engrossed Declarations to report at any time.

PAY OF WITNESSES.

70. The rules for paying witnesses summoned to appear before the Convention, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of twelve and a half cents each way, but nothing shall be paid for traveling home, when the witness has been summoned at the place of trial.

71. In all cases not provided for in the foregoing rules, Jefferson's Manual shall govern.

INDEX.

INDEX.

A.

PAGE.

Accounts, various, with balances in the State Treasury to May 31, 1868 .... 356, 357

Acting Comptroller, statements of, respecting probable receipts and expenditures from Treasury, from July 1, 1867, to June 30, 1868 .... 256 to 259

Adams, declaration giving Legislature power to grant general charters only 391

Adams, declaration respecting the collection of debts contracted during the rebellion 408

Adams, minority report from Committee on State Affairs, upon Mundine's resolution to extend suffrage to all citizens 580

Adjournment, resolution respecting 419

Adjournment till December, motions for 710, 711

Adjournment of Convention until first Monday in December .. 944

Alexander, Wm., report to be published (see appendix) 128

Alexander, W., Attorney General, letter from Governor Pease, respecting report of (see appendix for report) 129

Alexander, W., Attorney General of Texas, report of, for 1867 (see appendix) .... 947 to 960

PAGE.

Annotated Constitution of the United States (Paschal's).... 23

Annotated Constitution (Paschal's), report respecting....... 40

Announcement of death of Hon. W. E. Oaks, a delegate to the Convention.................................... 859

Armstrong, George, elected Engrossing Clerk.............. 8

Armstrong, of Jasper, added to Committee on Public Lands.. 118

Armstrong, of Jasper, protest against passage of resolution authorizing organization of Militia...................... 131

Armstrong, of Jasper, minority report from Committee on Political and Legislative, upon certain provisions.... 546 to 583

Armstrong, of Jasper, declaration to establish a ferry across Powder Horn Bayou............................. 614

Armstrong, of Jasper, resolution to commit Long, of Limestone, and Johnson, of Harris, to county jail, pending investigation of committee upon offenses................. 681

Armstrong, of Jasper, declaration appropriating State tax of Jefferson county for 1868, to repair court house.... ... 727

Armstrong, of Lamar, motion to adopt rules of Convention of 1866.. 9

Armstrong, of Lamar, resolution providing that, under the direction of the President, the seats of delegates be numbered.. 10

Armstrong, of Lamar, resolution to refer and print five thousand copies Governor's message...................... 17

Armstrong, of Lamar, motion to print two hundred copies of State Treasurer's report.......................... 28

Armstrong, of Lamar, resolution asking information respecting certificates and patents for land, issued to Memphis and El Paso Railroad Company....................... 20

PAGE.

Armstrong, of Lamar, declaration for relief of R. S. Brame.. 58

Armstrong, of Lamar, declaration to establish new counties... 104

Armstrong, of Lamar, resolution appropriating fifteen thousand dollars to pay provisional civil officers................ 114

Armstrong, of Lamar, declaration appropriating twenty-five thousand dollars for the arrest of lawless and desperate characters................................. 124

Armstrong, of Lamar, declaration relating to Central Railroad Company................................. 149

Armstrong of Lamar, resolution requiring the Committee on Printing to have resolutions, etc., after engrossment, printed................................. 152

Armstrong of Lamar, petition from citizens, asking a new county be formed, named Bourbon.................. 154

Armstrong of Lamar, resolution providing that the Committees on General Provisions, Lands and Public Debt be authorized to employ a clerk............................. 156

Armstrong of Lamar, petition from S. B. Buckley, asking relief................................. 158

Armstrong of Lamar, resolution to adjourn sine die......... 399

Armstrong of Lamar, petition from citizens of Fannin and Lamar................................. 398

Armstrong of Lamar, declaration creating the county of Webster.................................398, 399

Armstrong of Lamar, declaration concerning the Memphis and El Paso Railroad Company......................418

Armstrong of Lamar, resolution respecting provisions creating new counties................................. 473

PAGE.

Armstrong of Lamar, resolution to adjourn sine die, action upon 476

Armstrong of Lamar, resolution providing that after the first day of August no new resolution or declaration be introduced 593

Armstrong of Lamar, resolution respecting the introduction of new business, acted upon........................621, 622

Armstrong of Lamar, declaration for creation of county of Richland 631

Armstrong of Lamar added to Committee on Counties and County Boundaries 771

Armstrong of Lamar, resolution providing that reports and resolutions be only offered at afternoon sessions 785

Armstrong of Jasper, report from special committee upon petition of John Jackson 863, 864

Armstrong of Lamar, report from Committee on Public Debt . 943

Austin Republican, Secretary to furnish 28, 29

Austin Republican, report and resolution of Committee on Printing for furnishing Convention daily with twenty copies to each delegate........................49, 50, 51

Austin Republican, motions relating to 62, 74

Austin Republican, publication of debates........76, 78, 79, 125

Austin Republican, resolution for discontinuing............ 245

Austin Republican, action respecting discontinuing of, except 500 copies ....248 to 250

Apportionment, report from committee on..............642, 643

Appointment of special committee on Millican riot.......... 471

PAGE.

Appointment of special committee on sale of railroads........ 692

Appointment of special committee upon Memphis and El Paso railroad declarations......................... 763

Appointment of special committee on declaration to lease penitentiary 775

Appointment of special committee to ascertain to what date reporter has written up debates 811

Appointment of special committee to visit State Asylums.... 812

Appointment of special committee to investigate right of a member to hold a seat contrary to circular No. 16...... 816

Appointment of special committee to remain in session during recess for certain purposes ....904 to 906

Appropriating $125,000 for per diem pay of members and officers of Convention 110

Appropriating $125,000 to pay expenses of Convention acted thereon 123, 124

Appropriating $15,000 for payment of provisional officers under A. J. Hamilton, action thereon 153

Appropriating $200 to pay expense of framing portrait of Gen. Sam. Houston, action upon 153

Appropriating $—— to pay expenses of committee to investigate affairs of Penitentiary......................... 173

Appropriation of $100,000 for pay of Convention.......... 232

Appropriations disapproved........................509 to 511

Appropriating $25,000 for arrest of criminals........619 to 621

Appropriating $300 to pay funeral expenses of Hon. W. E. Oaks.. 890

PAGE.
Assistant Doorkeeper dispensed with........................ 8

Assistant Sergeant-at-Arms, election of.................... 6

Assessment of 1867, amount collected upon...........348 to 355

Asylums, amounts paid for, since established.........370 to 375

B.

Baycu City Railway Company, declaration incorporating..670, 671

Bell, resolution for appointment of special committee for a certain purpose.................................... 269

Bell, declaration to incorporate the Bellville, Hempstead and Brazos Bridge Company............................... 305

Bellinger, minority report from Committee on Federal Relations, respecting the relinquishment of El Paso county... 171

Bellville, Hempstead and Brazos Bridge Company, incorporated... 666

Bennett, A. J., elected First Assistant Secretary........... 4

Bill of Rights.................................... 235, 236

Bledsoe, resolution for permission to take "iron-clad oath".... 58

Bledsoe, "iron-clad oath" administered to.................. 120

Bledsoe, memorial from citizens of Dallas county, respecting the navigation of Trinity river..................... 284

Bledsoe, declaration relating to administrators who received treasury notes.................................... 656

Bledsoe, resolution for appointment of committee of three to inquire into condition of certain families fleeing from their homes, in vicinity of Austin......................... 457

PAGE.
Blind Asylum, report from special committee on..........243, 244

Blind Asylum, report of committee acted upon.............. 811

Boards of Registrars, resolution respecting...............29, 30

Boards of Registrars, reports of Judiciary Committee respecting.. 41

Board, resolution respecting A. P. O'Leary................ 52

Board, resolution limiting speeches to ten minutes........... 728

Board, resolution respecting acts of Secretary.............. 724

Bolivar Point and Houston Ship Channel Company, charter incorporating.................................588 to 592

Boyd, resolution relating to newspaper reporters............ 30

Boyd, resolution respecting newspapers.................... 74

Boyd, resolution for appointment of committee to purchase monument to be erected over remains of General Sam. Houston 448

Boyd, resolution respecting removal of seats of justice....... 592

Boyd, declaration providing for leasing of Penitentiary...... 679

Boyd, minority report from Committee on Penitentiary.864 to 869

Brame, R. S., declaration for relief of 58

Brazos Branch and Henderson, Marshall and Jefferson railroad company, report upon consolidation of.................. 169

Brown, resolution providing for levying a special road tax.... 251

Bryant of Harris, resolution repealing laws granting lands to railroads.. 251

PAGE.

Bryant of Harris, declaration respecting descent and distribution of intestates' estates.............. 416

Bryant of Harris, resolution respecting persons who have taken life 450

Bryant of Harris, resolution respecting franchises granted by the Eleventh Legislature........................ 474

Bryant of Harris, resolution relating to persons charged with capital offenses........................ 571

Bryant of Grayson, resolution relating to Duff's regiment and others, providing for disfranchisement of.............. 117

Bryant of Grayson, declaration prohibiting Convention from legislating...................................... 252

Bryant of Grayson, added to Committee on apportionment.... 644

Bryant of Grayson, resolution providing the members absent twenty minutes to forfeit per diem 665, 666

Bryant of Grayson, resolution for appointment of committee to investigate the murder of Martin D. Hart 701

Bryant of Grayson, resolution amending rules of Convention as to its sessions................................ 763

Bryant of Grayson, report from special committee appointed to inquire into murder of M. D. Hart............... 829

Bryant of Grayson, report from special committee upon murder of Martin D. Hart........................900 to 902

Buchanan, General, communications from, disapproving certain appropriations............................509 to 511

Buckley, S. B., petition of 158

Buckley, S. B., report upon petition of.................. 448

Buffalo Bayou, Brazos and Colorado railroad, declaration for sale of..........................279, 282, 439, 442

PAGE.

Buffalo Bayou, Brazos and Colorado railroad, report respecting, acted upon..............................428, 429

Buffalo Bayou, Brazos and Colorado Railroad Company stricken out of substitute in relation to railroads.............. 848

Buffalo Bayou, Brazos and Colorado Railroad Company, concerning debt of. ....657 to 659

Buffington, memorial respecting William R. Storey.......... 34

Buffington, declaration respecting back taxes 74

Buffington, declaration providing for speedy collection of fees of office 81

Buffington, declaration providing for collection of back taxes.. 81

Buffington, resolution amending rules of Convention as to adjournment 391

Buffington, resolution fixing day of adjournment........407, 408

Buffington, resolution requiring committees to discharge clerks 415

Buffington, resolution to discharge Committee on Penitentiary 506

Buffington, declaration respecting the Buffalo Bayou, Brazos and Colorado railroad 944

Burnett, J. R., resolution respecting mail matter for Convention.. 18

Burnett, J. R., resolution respecting oath of office.........21, 24

Burnett, J. R., resolution respecting acoption of rules reported by committee 22

Burnett, J. R., resolution respecting newspapers 29

Burnett, J. R., resolution for furnishing Paschal's Annotated Digest of the laws of Texas, and to open State Library to delegates 45

PAGE.

Burnett, J. R., resolution of thanks to F. Flake 75

Burnett, J. R., declaration respecting ordinance of secession, etc., ... 113

Burnett, J. R., declaration relating to the social status of the citizen............. 156

Burnett J. R., resolution respecting names of towns and counties..................... 127

Burnett J. R., petition of W. P. Leaverton.. 175

Burnett J. R., minority report from Committee on Lands upon certain resolutions.................................. 215

Burnett J. R., substitute to report of Committee on Contingent Expenses respecting recording of journals......675, 676

Burnett J. R., resolution to appoint a committee to inquire into facts respecting challenge to fight a duel between members.......................... 570

Burnett J. R., resolution respecting duties of Convention ... 571

Burnett J. R., declaration requesting commanding general to abolish county courts........................... 726

Burnett J. R., minority report from special committee on leasing the Penitentiary..........................783, 784

Butler J. P., resolution for appointment of Committee on Credentials... 234

Butler J. P., report from special committee on condition of Penitentiary........... ....534, 554

Butler J. P., report from committee to investigate financial condition of the Penitentiary.......... .... .803, 809

C.

PAGE.

Carter F., resolution asking Congress to reimburse citizens of Texas for losses by Indian depredations.............. 76

Carter F., from Committee on Style, report from........... 110

Carter F., resolution empowering Committee on Political and Legislative to employ a clerk......................... 113

Carter F., report from Committee on Style................ 127

Carter F., report from Committee on Style............... .. 135

Carter F., resolution exempting imported machinery from taxation.. 135

Carter F., resolution in relation to reserve of Memphis and El Paso Railroad bonds................................. 142

Carter F., report from Committee on Style................ 183

Carter F., report from Committee on Style................ 408

Carter F., from Committee on Political and Legislative upon certain resolutions................................. 487

Carter F., report from Committee on Political and Legislative.....................................560, 570

Carter F., resolution to pay Hon. E. J. Davis, President, $16 per day... 594

Carter F., resolution providing that counties shall be 600 square miles....................................... 657

Carter F., resolution respecting calling the yeas and nays.... 727

Carter F., motion of adjournment in respect to Hon. Thaddeus Stevens.. 732

Carter F., petition respecting indigent persons............. 825

PAGE.

Carter F., resolution respecting recess.................... 827

Carter F., report from special committee on Memphis and El Paso Railroad upon opening reservation to settlement and entry....................................809, 811

Caldwell C., resolution respecting reporter for the Convention. 10

Caldwell C., report from committee respecting reporter for Convention.. 19

Caldwell C., resolution for select committee on lawlessness and violence............... 30

Caldwell C., resolution granting the privilege of the floor to certain officials................................ 75

Caldwell C., declaration in relation to railroads............ 107

Caldwell C., resolution authorizing Committee on Lawlessness and Crime to employ a clerk...................... 108

Caldwell C., report from Committee on Lawlessness and Violence............................ ....110, 111

Caldwell, C., report from Committee on Lawlessness and Violence ....193 to 203

Caldwell, C., motion to refer communication and declaration of Governor Pease for leasing the penitentiary to select committee.. 775

Caldwell, C., report from special committee upon Governor Pease's declaration to lease the penitentiary......782 to 784

Caldwell, C., resolution relinquishing State tax of Montgomery county for 1868................................ 831

Caldwell, C., declaration levying a tax to pay expenses of Convention, respecting........................860 to 862

Caldwell, C., resolution for appointment of committee and secretary to remain in session during recess.......904 to 906

Central Railroad Company, declaration in relation to........ 149

Central Railroad Company, declaration for relief of......886, 887

Chaplain, election of.................................. 9

Commanding General invited to a seat on the floor.......... 32

Commanding General, requesting his approval of appropriation to pay Convention................................ 106

Committees, resolution for appointment of................. 11

Committee appointed to wait upon Major General Reynolds and Governor E. M. Pease to inform them of the organization of the Convention............................... 9

COMMITTEES OF THE CONVENTION—APPOINTMENT OF STANDING COMMITTEES.....................25, 26, 32, 34, 38

Political or Legislative: Caldwell, Chairman, Armstrong of Jasper, Flanagan, Webster, Carter, Ruby, Grigsby, Degener, Lippard, Butler.

Judiciary: Hamilton of Travis, Chairman, Caldwell, Lindsay, Gray, Burnett, Evans of McLennan, Fayle, Mullins, McCormick, Pedigo.

General Provisions: Hamilton of Bastrop, Chairman, Whitmore, Flanagan of Rusk, Sorrell, Varnell, Newcomb, Smith of Galveston, Phillips of Wharton, Armstrong of Lamar.

Executive: Lindsay, Chairman, Munroe, Phillips of San Augustine, Rogers, Mills, Boyd, Thomas, Vaughan, Williams.

Finance: Whitmore, Chairman, Pedigo, Mackey, Johnson of Calhoun, Glenn, Bryant of Grayson, McWashington, Jordan, Stockbridge.

Education: Talbot, Chairman, Schuetze, Leib, Constant, Long, Cole, Kealy, Ruby, McCormick.

PAGE.

COMMITTEES—*continued.*

Internal Improvements: Flanagan, Chairman, Smith of Galveston, Bell, Board, Jordan, Wilson of Milan, Downing, Wright, Patten.

Immigration: Degener, Chairman, Schuetze, Foster, Smith of Marion, Wilson of Brazoria, Morse, Curtis.

Public Debt: Armstrong of Lamar, Chairman, Hamilton of Bastrop, Harn, Johnson of Harrison, Kirk, Mundine, Keigwin.

Public Lands: Lippard, Chairman, Oaks, Boyd, Kendal, Johnson of Calhoun, Burnett, Hunt.

Apportionment: Varnell, Chairman, Gaston, Bryant of Harris, Brown, Hamilton of Travis, Wright, Yarborough, Smith of Galveston, Evans of McLennan, Kuechler, W. Flanagan.

State Affairs: Gray, Chairman, Buffington, Bledsoe, Adams, Fleming, Horne, Hunt, Waters, Harris.

Federal Relations: Evans of McLennan, Chairman, Bellinger, Sumner, Scott, Kirk, Kuechler, Patten, Posey, Coleman.

Printing: Thomas, Chairman, Newcomb, Phillips of San Augustine, McCormick, Mills, Vaughan, Goddin, Buffington.

Contingent Expenses: McCormick, Chairman, Grigsby, Adams, Kealy, Butler.

Commerce and Manufactures: Phillips of Wharton, Chairman, Carter, Posey, Patten, Talbot, Bell, Mullins.

Counties and County Boundaries.: Pedigo, Chairman, Wilson of Brazoria, Fleming, Kuechler, Sorrell.

Examining Comptroller's and Treasurer's Office: Smith of Galveston, Chairman, W. Flanagan of Rusk, Butler, Leib, Armstrong of Jasper.

PAGE.

COMMITTEES—*concluded.*

Committee on Engrossed Provisions: Munroe, Chairman, Harn, Goddin, Scott, Wright.

Committee on Enrolled Provisions: Fayle, Chairman, Bledsoe, Bellinger, Yarborough.

Committee on Style: Carter, Chairman, Buffington, Hamilton of Travis, Pedigo, Newcomb.

SPECIAL COMMITTEES—

Lawlessness and Violence: C. Caldwell, Chairman, Whitmore, Sumner, Evans of McLennan, Bledsoe, Cole, Bell.

Engrossed Provisions: Munroe, Chairman, Harn, Goddin, Scott, Wright.

Enrolled Provisions: Fayle, Chairman, Bledsoe, Bellinger, Yarborough.

Style: Carter, Chairman, Buffington, Hamilton of Travis, Pedigo, Newcomb.

Division of the State: Munroe, Chairman, Degener, Johnson of Calhoun, Wilson of Brazoria, Slaughter, Pedigo, Ruby, Armstrong of Lamar, Kealy, J. W. Flanagan, Vaughan, Kuechler, Mullins, Rogers.

Committee on Rules, appointment of.................... 10

Committee on Rules, time extended to report.............. 10

Committee on Rules, report from (see appendix)........... 19

Committee on Rules, report of adopted (see appendix)....... 25

Committee on Credentials, for appointment of...........23 to 24

Committees, resolution to provide rooms for................ 32

Committee on Political and Legislative to employ a clerk. .. 113

PAGE.

Committee on Political and Legislative report upon certain resolutions.................................... 487

Committee on Political and Legislative, report from committee on...560 to 570

Committee on Political and Legislative, report acted upon. 853 to 858

Committee on Political and Legislative, action upon report of....................................879 to 885

Committee on Judiciary, report from, respecting sheriff's sales. 56

Committee on Judiciary, report from.......................465 to 470

Committee on Judiciary, report from respecting Paschal's Digest, acted upon.......................................693 to 694

Committee on Judiciary, report from, upon mechanics' liens.. 766

Committee on General Provisions, the Public Lands and the Public Debt, to employ a clerk........................... 156

Committee on General Provisions, report from.........233 to 243

Committee on General Provisions, protest against postponing consideration of report of.................................. 250

Committee on General Provisions, report from on sundry resolutions...303 to 304

Committee on General Provisions, Mr. Williams added...... 926

Committee on General Provisions, respecting divorce to Henry Dodsfeld.. 531

Committee on General Provisions, reporting new sections to constitution....................................531 to 532

Committee on General Provisions, report from upon certain resolutions.. 533

PAGE.

Committee on General Provisions, report from, acted upon . 572 to 577

Committee on General Provisions, report acted upon.... 662 to 663

Committee on General Provisions, report of committee acted upon 632

Committee on General Provisions, action upon report of committee on 647

Committee on General Provisions, report of action thereon .... 667 to 669

Committee on General Provisions, report acted upon.... 692 to 693

Committee on General Provisions, report of acted upon.. 695 to 698

Committee on General Provisions, report of committee acted upon .... 702 to 705

Committee on General Provisions, report of acted upon.. 706 to 709

Committee on General Provisions, report from, recommending new sections to constitution.......... 715

Committee on General Provisions, report of acted upon....... 714

Committee on General Provisions, report of committee acted upon .... 717 to 723

Committee on General Provisions, report acted upon.... 728 to 732

Committee on General Provisions, report acted upon.... 743 to 757

Committee on General Provisions, reports from upon certain resolutions 765

Committee on General Provisions, report acted upon.... 775, 777

Committee on General Provisions, report acted upon.... 785, 789

Committee on General Provisions, report acted upon.... 793, 798

PAGE

Committee on General Provisions, report of respecting acts of incorporations passed in 1866........................ 799

Committee on General Provisions, report acted upon....816, 825

Committee on Executive Department, report from.......296, 302

Committee on Executive Department, action upon report of... 457

Committee on Executive Department, report from Committee of the Whole..................................477, 482

Committee on Executive Department, action upon report of...557, 558

Committee on Executive Department, action upon report of... 572

Committee on Executive Department, action upon report of...595, 597

Committee on Executive Department, report acted upon..623, 625

Committee on Executive Department, report acted upon...... 632

Committee on Executive Department, report acted upon..645, 647

Committee on Finance, report from upon declaration appropriating $25,000 for arrest of desperadoes................ 132

Committee on Finance, report from upon resolution to pay civil provisional officers 133

Committee on Finance, report from upon discharging reporter and discontinuing newspapers......................... 261

Committee on Finance, report from upon exempting from taxation places of worship, public charities, &c............ 262

Committee on Finance, minority report from recommending discharge of reporter 262

PAGE.

Committee on Finance, respecting official reporter, action thereon.. 419

Committee on Finance, report from upon petition of S. B. Buckley 448

Committee on Finance, reports from upon certain resolutions...471, 472

Committee on Finance, report from upon the public accounts of Texas.......................................597, 608

Committee on Finance, minority report from respecting the railroads 608, 609

Committee on Finance, minority report from respecting appropriation of $15,000 and $25,000..................... 618

Committee on Finance, report of respecting $25,000 to arrest criminals acted upon....... ....619, 621

Committee on Finance, report recommending payment of James Cassiday 741

Committee on Education, report from..................265, 266

Committee on Education, report from upon resolution of J. Schuetze... 413

Committee on Education, report from.................482, 486

Committee on Education, report from..................609, 614

Committee on Education, report of respecting appointment of committee to visit State asylums acted upon 812

Committee on Education, motion to reconsider vote postponing consideration of report 891, 892

Committee on Education, report of acted upon.........896, 899

Committee on Education, report of acted upon.........910, 918

PAGE.

Committee on Education, report of acted upon.........930, 932

Committee on Internal Improvements, to enquire into condition of railroads.................................. 43

Committee on Internal Improvements, report from respecting a tax on counties for railroad purposes................. 270

Committee on Internal Improvements, report from upon indebtedness of the railroads to the State 270, 282

Committee on Internal Improvements, report in relation to the International Railroad..........................413, 414

Committee on Internal Improvements, upon International Railroad charter, action upon 429, 435

Committee on Internal Improvements, Messrs. Fayle and Evans, of Titus, added................................. 426

Committee on Internal Improvements, report from respecting Buffalo Bayou, Brazos, and Colorado Railroad Company, acted upon...................................428, 429

Committee on Internal Improvements, report from recommending sale of certain railroads 439, 443

Committee on Internal Improvements, report of respecting sale of Buffalo Bayou, Brazos and Colorado Railroad, and other railroads, action upon 490, 496

Committee on Internal Improvements, minority report from respecting sale of railroads........................491, 496

Committee on Internal Improvements, substitute for reports of concerning sale of railroads, (Evans, A. J.).......507, 508

Committee on Internal Improvements, substitute for report of concerning sale of railroads, (Lindsay's)..........508, 509

Committee on Internal Improvements, upon the Pacific Railroad Company, action thereon..................... 556

PAGE.

Committee on Internal Improvements, report on International Pacific Railroad, action taken....................633, 639

Committee on Internal Improvements, report from respecting Mexican Gulf Railroad and extending relief to railroad companies 654, 655

Committee on Internal Improvements, report respecting Mexican Gulf Railroad Company, acted upon..........694, 695

Committee on Internal Improvements, report from respecting Houston City Railroad Company.................... 705

Committee on Internal Improvements, report relating to International Pacific Railroad Company, acted upon.....709, 713

Committee on Internal Improvements, respecting sale of railroads, action upon the vote laying report of upon the table 848, 850

Committee on Internal Improvements, report upon supplemental declaration in relation to railroads of August 10, 1868 ....870, 871

Committee on Internal Improvements, report from respecting special tax on Dallas county 870

Committee on Internal Improvements, report of respecting Texas Central Railroad Company................906, 909

Committee on Immigration, report of.................162, 169

Committee on Public Debt, report of: 943

Committee on Lands, Armstrong of Jasper added thereto.... 118

Committee on Lands, report from upon certain resolutions.... 214

Committee on Lands, minority report from upon the right of owners of lands to minerals.......................... 215

Committee on Lands, report from respecting defalcation of Stephen Crosby, late commissioner................... 217

PAGE.

Committee on Apportionment, Bryant of Grayson, added..... 644

Committee on Apportionment, Mr. Degener added.......... 419

Committee on State Affairs, report of, defining powers of the Convention.................................. 54

Committee on State Affairs, report upon petition of W. R. Storey.................................. 55

Committee on State Affairs, report of, defining powers of Convention, acted on.................................. 138

Committee on State Affairs, report upon resolution respecting police regulations of Galveston.................... 511

Committee on State Affairs, report from, respecting monument on battle-field of San Jacinto....................533, 534

Committee on State Affairs, minority report from, on Mundine's resolution to extend suffrage to all citizens..581 to 583

Committee on State Affairs, majority report from, on Mundine's resolution to extend suffrage to all citizens........577 to 580

Committee on State Affairs, report from, upon location of capital after 1870.................................. 559

Committee on State Affairs, report upon report of Committee on Penitentiary.................................. 627

Committee on State Affairs, report from, upon referred resolution.................................. 628

Committee on State Affairs, report upon declaration to incorporate the Germania Club.............................. 671

Committee on State Affairs, report from, respecting paupers.. 700

Committee on State Affairs, report from, respecting the incorporation of Fredericksburg......................800 to 802

PAGE.

Committee on State Affairs, report upon relinquishing State tax of county of Erath.......... ....826, 827

Committee on Federal Relations, report from, agreeing to relinquish jurisdiction over El Paso county.............. 155

Committee on Federal Relations, minority report from, respecting the relinquishment by the State of El Paso county.. 172

Committee on Federal Relations, report of, upon relinquishment of El Paso county, action thereon.............. 174

Committee on Federal Relations, report of, upon relinquishment of El Paso county, action thereon.................. 181

Committee on Federal Relations, ceding county of El Paso to the United States, action thereon............205, 206, 207

Committee on Federal Relations, upon report to cede El Paso county to the United States, action thereon............ 287

Committee on Federal Relations, report from, recommending bounty to United States soldiers from Texas......294 to 296

Committee on Federal Relations, report from, respecting ceding to United States certain territory.................394, 395

Committee on Federal Relations, in relation to losses sustained by citizens on frontier 395, 396

Committee on Federal Relations, report from, respecting the relinquishment of jurisdiction over El Paso county, action upon ....758 to 761

Committee on Federal Relations, report of, granting land to United States soldiers, acted upon..............845 to 847

Committee on Printing, report from, relating to newspapers... 39

Committee on Printing, minority report from, in relation to newspapers....................................... 39

PAGE.

Committee on Printing, report from, to print two thousand copies Governor's message 39

Committee on Printing, report from..................... 78

Committee on Printing, report from..................... 112

Committee on Printing, report of, concerning maps, acted on.. 137

Committee on Printing, report from, upon Austin Republican and San Antonio Free Press... 263

Committee on Contingent Expenses, report from, respecting per diem pay of delegates and officers of the Convention 35

Committee on Contingent Expenses, report from, in relation to Paschal's Annotated Constitution.... 40

Committee on Contingent Expenses, report from, respecting appropriation for payment of members and officers of Convention............. 110

Committee on Contingent Expenses, report from, in relation to pages, messengers and porters...... 122

Committee on Contingent Expenses, report from, in relation to enrolling and engrossing clerks.. 122

Committee on Contingent Expenses, report from, on framing of Sam Houston's portrait.......................... 141

Committee on Contingent Expenses, report from, upon payment of expenses of committee to investigate affairs of Penitentiary........................ 192

Committee on Contingent Expenses, recommending discharge of reporter of Convention....... 263

Committee on Contingent Expenses, report from, upon recording of journals................................ 304

Committee on Contingent Expenses, report from, on claim of A. Grigsby, for extra mileage..................... 423

PAGE.

Committee on Contingent Expenses, report from, respecting pay of postmaster of Convention.................... 428

Committee on Contingent Expenses, report upon recording the journals by the secretary........................... 475

Committee on Contingent Expenses, report from, respecting recording of journal................................... 499

Committee on Contingent Expenses, report of, respecting official reporter, acted upon......... 621

Committee on Contingent Expenses, report of, respecting official reporter, acted upon......... ....680 to 682

Committee on Contingent Expenses, report of, upon appropriating twenty-five thousand dollars for payment of expenses of Convention............................792, 798, 799

Committee on Contingent Expenses, respecting appropriation of one hundred and twenty-five thousand dollars to pay Expenses of Convention acted upon................779 to 781

Committee on Contingent Expenses, report from, respecting payment of B. F. Stokes, copying clerk. 863

Committee on Counties and County Boundaries, reports from..423 to 425

Committee on Counties and County Boundaries, report from............................ .. ..583 to 588

Committee on Counties and County Boundaries, report of, acted upon................... ....648 to 650

Committee on Counties and County Boundaries, report from, respecting boundary line of Comal county.......... .. 699

Committee on Counties and County Boundaries, report recommending forming of county of Raines................. 719

Committee on Counties and County Boundaries, report from, respecting area of new counties...................732, 733

PAGE.

Committee on Counties and County Boundaries, respecting line between Burleson and Brazos counties................ 742

Committee on Counties and County Boundaries, report of, upon creation of the county of San Jacinto................. 765

Committee on Counties and County Boundaries, action upon report of..................................... 892

Committee on Lawlessness and Violence, report of.....193 to 203

Committee on Lawlessness and Violence, report from...500 to 505

Committee on Engrossed Provisions, reports from........... ....134, 170, 396, 653, 943

Committee on Enrolled Provisions, reports from............ ....140, 158, 260, 531, 698, 699

Committee on Style, reports from.......109, 127, 135, 183, 408

Committee on Division of the State, Messrs. Munroe and Evans of Titus, added thereto............................. 118

Committee on Division of the State, report from............ 144

Committee on Division of the State, reports from, upon certain resolutions.................................147, 148

Committee on Division of the State, action upon report of 160, 161, 162

Committee on Division of the State, action upon report...... 254

Committee on Division of the State, action upon.......... 229

Committee on Division of the State, action upon motion to postpone consideration of report indefinitely....287, 288, 289

Committee on Division of the State, report of acted upon..309 to 312

Committee on Division of the State, report from, as to relinquishment of State jurisdiction over El Paso county.... 500

PAGE.

Committee on Commerce and Manufactures, report from..... 151

Committee on Commerce and Manufactures, report from, exempting machinery from taxation, action on.... 204

Committee on Commerce and Manufactures, report from, recommending the encouragement of manufactures 733, 734

Committee on Political Disabilities, report of.. ....226, 227

Committee on Political Disabilities, action upon report of.... 232

Committee on Political Disabilities, report from.......511 to 526

Committee on Political Disabilities, report of acted upon..925 to 929

Committee on Investigation of Penitentiary, appointment of.. 74

Committee on Penitentiary, C. D. Harn added............. 128

Committee on Penitentiary, report to pay expenses of........ 192

Committee to Investigate Condition of Penitentiary, report from.......................... ....534 to 554

Committee on Penitentiary, report from........ 748

Committee on Penitentiary, minority report of.... ....864 to 869

Committee to Investigate Millican Riot, appointment of...... 471

Committee to Investigate Millican Riot to employ a clerk 487

Committee on Millican Riot, Constant added...., ... 594

Committee to visit Blind Asylum, appointment of.......177, 178

Committee to visit Blind Asylum, report of acted upon...... 811

Committee appointed to visit families in the vicinity of Austin 458

Committee to investigate murder of M. D. Hart, appointment of........................ 702

PAGE.

Committees, clerks of, resolution for discharge of. 415

Committee of the Whole, upon Federal Relations........... 120

Committee of the Whole, upon report of Committee on Federal Relations.................................... 128

Committee of the Whole, upon report of Committee on Federal Relations.................................... 138

Committee of the Whole, upon report of Committee on Federal Relations.................................... 150

Committee of the Whole upon report of Committee on Federal Relations 154, 157

Committee of the Whole upon report of the Committee on Division of the State............................. 162

Committee of the Whole upon report of Committee on Federal Relations 173

Committee of the Whole upon division of the State......... 180

Committee of the Whole upon division of the State......... 190

Committee of the Whole upon judiciary department........ 470

Committee of the Whole upon executive report............ 457

Committee of the Whole upon report of the Committee on Executive Department............................. 477

Committee and secretary to remain in session during recess, resolution respecting........................904 to 906

Commissioner of General Land Office to issue patents free in certain cases.................................... 43

Commissioner of General Land Office, report from......82 to 103

Comptroller, report from, respecting finances of the State.... 208

PAGE.
Comptroller, Acting, communication from, transmitting certain statements and reports........................314, 315

Comptroller's report..............................316 to 390

STATEMENTS—

Statement showing the assessment of taxes in each county for 1867..............................316 to 346

Statement of cost of collection of taxes under existing laws 347

Statement of amount collected upon assessment of 1867.......................................348 to 355

Statement of the different accounts, with receipts from 4th September, 1867, and balances to each account on the 31st May, 1868...................... 356, 357

Statement of warrants drawn by Comptroller from September 6, 1867, to May 1, 1868...........358 to 363

Statement of public debt.......................364 to 368

Statements from reports of railway companies made to Comptroller under act of February 7, 1853....... 369

Statement showing the indebtedness of the railroads to the State, and amounts remaining unpaid............ 369

Statement of amounts paid for asylums from their establishment to June 1, 1868.................370 to 375

Statement of amounts paid for penitentiary from its establishment to June 1, 1868.................376 to 382

Statement of amount and character of funds paid for school lands during the rebellion...........383 to 385

Statement of license and occupation taxes returned for the year 1867............................386 to 389

PAGE.
Statement of taxes assessed for the year 1867.......... 390

Comptroller, report from, as to political status of employes in office.......................................459 to 461

Communication from State Treasurer to Convention.......... 26

Communication from Governor E. M. Pease respecting appropriation of $125,000 for pay of Convention, and report of William Alexander, Esq........................ 129

Communication from A. Siemering & Co. respecting San Antonio Express................................. 269

Communication from Governor E. M. Pease transmitting letter from Acting Comptroller of Public Accounts.......... 313

Communication from Governor Pease respecting the penitentiary.....................................771 to 773

Congress asked to reimburse Texas citizens for losses by Indian depredations................................... 76

Congress, requesting a change in reconstruction acts for certain purposes.....................................29, 30

Cole, minority report from Committee on Lawlessness and Violence.. 214

Cole, minority report from Committee on Lawlessness and Violence.. 505

Cole, action upon arrest of............................ 406

Coleman, resolution calling for information as to the status of employes in the departments...................... 306

Coleman, resolution respecting employes in the offices of the State government, action upon..................... 427

Curtis, resolution for appointment of a committee of safety... 447

PAGE.

Curtis, resolution for appointment of committee to investigate Millican riot ... 463 to 465

Convicts, list of, in Penitentiary ... 536 to 544

Constant, resolution requiring no educational qualification for voters ... 555

Constant, added to committee on Millican riot ... 594

Constant, resolution respecting capitation tax on the canine species ... 594

Constitution, resolution respecting ... 31

Constitution of 1845, resolution for adoption of ... 75

Constitution as far as passed to be published in certain newspapers ... 888

Constables' sales, declaration to suspend ... 31

Counties, declaration for establishing ... 104

County of Bourbon, petition for formation of ... 154

County courts, declaration repealing organization of ... 444 to 446

County courts, resolution repealing organization of acted upon ... 902, 903

Convention, rules of Convention of 1866 to govern ... 9

Convention, committees of ... 11

Convention, rules governing adopted ... 22

Convention, standing committees of ... 25

Convention journals, publication of ... 51

Convention, powers of defined ... 54

PAGE.
Convention, journal of, contract for publishing.............. 60
Convention, reporter of, communication from 63
Convention journals.................................... 62
Convention, debates of, resolution for publishing............ 63
Convention, pages and messengers thereof................. 108
Convention, debates of to be published 125
Convention, rules for governance of 127
Convention, rules governing amended.................... 137
Convention, hours of sessions of 182
Convention, carrying of concealed weapons prohibited 248
Convention, rules of, resolution to amend 308
Convention, rules governing sessions of amended ......629 to 631
Convention, rules as to pay of absent members amended 660
Convention, tax bill to pay expenses of................... 860
Convention tax bill, action upon 879
Convention, respecting delegates who have drawn pay as such and as State officials..........................903, 904
Convention, adjournment until first Monday in December.... 944
Convicts, statements of as to offences..................545, 554
Credentials, committee on for appointment of............23, 24
Crosby, Stephen, late Land Commissioner, defalcation of report upon 217

D.

PAGE.

Daniel, H. G., resolution to pay........................ 399

Davis, E. J., elected President........................ 3

Davis, E. J., resolution authorizing the secretaries to order certain newspapers........................ 61

Davis, E. J., sections to be incorporated into judicial department........................ 112

Davis, E. J., declaration respecting Legislatures since February, 1861........................ 188

Davis, E. J., resolution providing for the selection of Messrs. M. C. Hamilton and Caldwell to proceed to Washington upon certain matters........................ 213

Davis, E. J., resolution providing for sending Messrs. Hamilton and Caldwell, action thereon........................221, 224

Davis, E. J., resolution to amend rules of Convention....... 308

Davis, E. J., resolution amending rules of Convention, action thereon........................ 401

Davis, E. J., substitute for report of Committee on Internal Improvements upon International Railroad........................ 421

Davis, E. J., resolution to take a recess till December....644, 645

Davis, E. J., resolution providing for a recess and amending order of business, acted upon........................683, 686

Davis, E. J., resolution providing that notice of six months be given before sale of railroads by the Governor 941

Deadly weapons, resolution respecting........................ 142

Debates of Convention, resolution for publishing........................ 63

Debates of Convention, for publication of........................ 76

PAGE.

Debates of Convention, publication of.................... 78

Debates of Convention, respecting...................... 125

Debtor, rights of to redeem property upon certain conditions, resolution respecting.......... 136

Debts incurred in aid of rebellion, declaration respecting..... 113

DECLARATIONS—

Declaration to suspend sheriffs' and constables' sales..... 31

Declaration making an appropriation for the per diem pay of delegates and officers............ 35

Declaration respecting lawlessness and violence........ 43

Declaration for relief of R. S. Brame................ 58

Declaration respecting back taxes................ .. 74

Declaration respecting formation of corporations....... 80

Declaration providing for collection of fees of office..... 81

Declaration providing for collection of back taxes...... 81

Declaration to establish new counties................ 104

Declaration in relation to railroads.................. 107

Declaration appropriating $125,000 for per diem pay of members and officers of Convention............... 110

Declaration respecting Ordinance of Secession and debts incurred in aid of rebellion..................... 113

Declaration in relation to citizenship................. 117

Declaration providing that no person shall be deprived of recreation on any day of the week................ 124

PAGE.

DECLARATIONS—*continued.*

Declaration appropriating $25,000 for the arrest of lawless and desperate characters.......................... 124

Declaration in relation to loyal Ministers of the Gospel.. 127

Declaration to provide for the division of the State of Texas...................................... 136

Declaration respecting punishment of petty crimes...... 142

Declaration relating to mineral substances, and defining owners thereof................................... 148

Declaration authorizing counties to aid in the construction of railroads................................. 149

Declaration relating to citizenship.................... 149

Declaration relating to Central Railroad Company...... 149

Declaration relating to property qualifications to hold office and vote................................ 150

Declaration respecting the rights, privileges and immunities common to citizens...................... 152

Declaration concerning civil suits since 1861 until recognition by Congress.......................... 152

Declaration relating to militia and bearing arms........ 152

Declaration providing for a geological bureau.......... 156

Declaration exempting from taxation school houses, houses used for worship and houses of public charity, etc... 156

Declaration providing that the social status of the citizen shall never be a subject of legislation............ 156

Declaration respecting the policy in granting settlement rights upon the public lands 157

PAGE.

DECLARATIONS—*continued.*

Declaration setting apart one-fourth of the annual tax of the State for education.......................... 158

Declaration respecting the rights and privileges of railroad companies................................ 173

Declaration appropriating —— dollars to pay expenses of Committee on Penitentiary.................... 173

Declaration suspending sale of school lands by police courts 178

Declaration granting lands to actual settlers........... 179

Declaration authorizing the Governor to sell to the United States parts of the State.................... 183

Declaration providing for the punishment of peculation, embezzlement, or public fraud of any kind......... 183

Declaration relating to school fund of the State......... 185

Declaration granting bounty to United States soldiers... 186

Declaration respecting Legislatures of Texas since February, A. D. 1861.............................. 188

Declaration providing that after 1870 Waco shall be the capital of Texas.............................. 209

Declaration providing against discrimination on account of race or color by officers of courts................ 210

Declaration respecting charters and special privileges.... 211

Declaration respecting children born out of wedlock 217

Declaration respecting ordinances and resolutions passed by any Convention, to be null and void............ 221

Declaration respecting city of Galveston.............. 228

PAGE.

DECLARATIONS—*continued.*

Declaration respecting those who shall be deemed qualified to practice medicine........................... 251

Declaration prohibiting Convention from legislating 252

Declaration prohibiting the passage of ex post facto laws, etc.. 252

Declaration providing that all sects in religion shall be protected by law 267

Declaration respecting committee room number three.... 267

Declaration providing for the sale of the Buffalo Bayou, Brazos and Colorado railroad, the Texas and New Orleans railroad, and the Southern Pacific railroad 279

Declaration for sale of Buffalo Bayou, Brazos and Colorado railroad...... ....279 to 282

Declaration for sale of the Southern Pacific railroad 279 to 282

Declaration for sale of the Texas and New Orleans railroad....................................279 to 282

Declaration for sale of the Houston Tap and Brazoria railroad.................................. 282

Declaration relating to contracts, deed or conveyance, when consideration was Confederate treasury notes 396

Declaration giving Legislature power to grant general charters only 391

Declaration to incorporate the Bellville, Hempstead and Brazos Bridge Company 305

Declaration to dissolve the bonds of matrimony of Henry Rodefeld 305

Declaration respecting equal rights upon public conveyances 426

PAGE.

DECLARATIONS—*continued.*

Declaration providing for the sale of certain railroads ....439 to 443

Declaration respecting oath of office 446

Declaration providing that suits may be brought by the State 408

Declaration respecting descent and distribution of intestates' estates........ 416

Declaration incorporating Northern Texas Railway Company ....450 to 456

Declaration from Committee on Education for sale of railroads 485, 486

Declaration creating the county of Oakland 422

Declaration respecting redress for grievances by petition 409

Declaration concerning Memphis and El Paso Railroad Company 418

Declaration respecting debts contracted during the rebellion 408

Declaration respecting mechanics' liens 426

Declaration in relation to International railroad 413, 414

Declaration repealing the act of 1866, organizing county courts ....444 to 446

Declaration for creation of county of Paschal 424

Declaration for establishment of manual labor poor houses 425

Declaration respecting dueling........ 417

PAGE.

DECLARATIONS—*continued.*

Declaration proposing new sections to the Constitution respecting freedom of speech, etc. 415

Declaration respecting homestead...................... 416

Declaration for creation of Richland county........... 444

Declaration memorializing Congress to extend the Bankrupt Act................................... 417

Declaration to incorporate the Bellville, Hempstead and Bryan Bridge Company... ....472, 473

Declaration respecting San Antonio and Mexican Gulf Railroad Company.........................555, 556

Declaration respecting captives held by Indians.....593, 594

Declaration creating the county of Oakland.... ...585, 586

Declaration creating the county of White..........587, 588

Declaration creating the county of Delta 586, 587

Declaration creating the county of Richland........... 587

Declaration creating the county of Webster.... ....584, 585

Declaration for establishment of ferry across Powder Horn bayou.................................. 644

Declaration concerning the Buffalo Bayou, Brazos and Colorado Railroad Company.............. 657 to 659

Declaration defining the Legal Tender Act of 1861–2... 609

Declaration providing that debtors may redeem property sold....................................... 657

Declaration creating the county of San Jacinto......... 656

PAGE.

DECLARATIONS—*continued.*

Declaration to incorporate the Bayou City Railway Company............................670, 671

Declaration relating to the execution of criminal laws.... 661

Declaration providing for leasing of the Penitentiary.... 679

Declaration relating to administrators who received treasury notes.................................. 656

Declaration to incorporate the Bellville, Hempstead and Brazos Bridge Company......................... 666

Declaration for removing administration of the estate of James H. Leaverton to Houston county.......... 661

Declaration establishing line between Bourbon and Brazos counties, etc................................ 727

Declaration providing that Legislature shall levy special tax to build bridges, roads, etc.................. 743

Declaration for relinquishment of State tax of Anderson county.. 701

Declaration authorizing the Governor to lease Penitentiary....................................773 to 775

Declaration providing for the relinquishment of State tax of Erath county for 1868...................... 784

Declaration opening the reserve of the Memphis and El Paso railroad to actual settlers, acted upon....... 762

Declaration appropriating State tax of Jefferson county for 1868 to repair court-house..................... 727

Declaration respecting account of M. K. Rion.......... 742

Declaration requesting Commanding General to abolish county courts................................... 726

PAGE.

DECLARATIONS—*continued.*

Declaration changing the boundaries of Comal county.... 700

Declaration for support of paupers.................... 700

Declaration authorizing police court of Guadalupe to levy special tax 736

Declaration providing for the punishment of persons using threats or intimidation against electors........... 743

Declaration to repeal laws of the so-called Legislature of Texas, punishing offenses committed on Sunday 725

Declaration providing for jail in San Augustine county.. 843

Declaration providing for sending A. J. Hamilton and C. Caldwell to Washington...................... 844

Declaration levying a special tax to pay expenses of Convention ....860 to 862

Declaration to repeal laws of 1866 relating to offenses committed on Sundays, acted upon...........813, 814

Declaration to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company............812, 813

Declaration asking Congress to investigate charges against Judge Watrous............................ 831

Declaration respecting the leasing of penitentiary, acted upon....................................832, 833

Declaration for relief of heirs of General Sam. Houston. 827

Declaration asking relinquishment of State tax for 1868 to Goliad county............................ 889

Declaration providing what newspapers shall publish engrossed Constitution......................... 888

PAGE.

DECLARATION—*continued.*

Declaration providing pay for Flake's Bulletin.....887, 888

Declaration creating county of Delta, passed.......... 893

Declaration creating county of Webster, passed........ 892

Declaration granting land to actual settlers, action upon...................................895, 896

Declaration granting lands to actual settlers and location of genuine land certificates upon reserve of Memphis and El Paso Railroad.......................899, 900

Declaration creating county of Richland............. 893

Declaration supplemental to a declaration in relation to railroads, introduced August 10, 1868........890, 891

Declaration providing for the investment of the school fund in United States bonds.................. 873

Declaration respecting the Central Railroad Company.871, 872

Declaration to incorporate the Navasota, Washington and Brazos Bridge Company...................874, 875

Declaration providing for the collection of the school fund held by railroad companies..................872, 873

Declaration providing for a division of the State....... 940

Declaration respecting the Houston and Texas Central and Washington County Railroad Company, acted upon...................................932 to 939

Declaration giving the consent of the Convention to a division of the State.......................... 940

Declaration asking relinquishment of State tax for 1868. 922

Declaration respecting granting the lands to actual settlers

PAGE.

DECLARATIONS—*concluded.*

and opening to entry by certificate of the Memphis and El Paso Reserve, acted upon.............929, 930

Declaration granting lands to Africans and their descendants.................................. 940

Declaration respecting Central Railroad Company...922, 924

Declaration respecting Buffalo Bayou, Brazos and Colorado Railroad.............................. 944

Declaration granting relief to the San Antonio and Rio Grande Railroad............................ 920

Declaration respecting acts of the Confederacy......... 921

Decision of the Chair sustained....................... 120

Decision of Chair sustained upon point respecting order of business................................... 648

Decision of the Chair sustained upon point of order raised by Thomas of Collin............................. 691

Degener, E. report from Committee on Immigration.....162, 169

Degener, E. declaration relating to citizenship 149

Degener, E. resolution relating to division of the State 142

Degener, E. report from Committee on Division of the State.. 106

Degener, E. declaration providing for formation of corporations 80

Degener, E. ordinance explanatory and defining the Legal Tender Acts of 1861 and 1862..................... 59

Degener, E. instructing Committee on Printing to furnish ten copies of Convention journals..................... 62

PAGE.

Degener, E. resolution requiring delegates to take oath of office before Notary Public.............................. 23

Degener, E. added to Committee on Apportionment......... 419

Degener, E. resolution respecting attempted assassination of Hon. C. Cooley................................462, 463

Degener, E. petition for incorporation of Germania Club of San Antonio.................................... 530

Degener, E. report from Committee on Finance upon the public accounts af Texas..............................597, 608

Degener, E. minority report from Committee on Finance respecting the railroads...........................608, 609

Degener, E. resolution respecting declaration making an appropriation of $15,000 for pay of provisional officers...... 619

Degener, E. resolution referring all railroad matters to select committee.. 631

Degener, E. resolution to refer all matter referring to sale of railroads to a special committee....................... 691

Degener, E. report from Special Committee on Railroads 769, 770

Degener, E. declaration supplemental to a declaration in relation to railroads, introduced August 10, 1868...890, 891

Division of the State, report from Committee on........... 147

Divine Providence, resolution recognizing efficiency of....... 151

Doorkeeper. election of.................................. 7

Downing, declaration respecting oath of office............. 446

Downing, resolution authorizing Mrs. Eleana Oaks to draw pay and mileage due W. E. Oaks.....................889, 890

Division of the State, relating to......................... 44

PAGE.
Division of the State, appointment of Committee on........ 51

Division of the State, report from Committee respecting...... 106

Division of the State, declaration therefor 136

Division of the State, resolution relating thereto........... 142

Division of the State, relating to bill pending in Congress therefor.. 143

Division of the State, report from Committee on 144

Division of the State, minority report upon 147

Division of the State, reports from Committee on...144, 147, 148, 160, 161, 162, 254, 229, 287, 288, 289, 302, 312, 500

Duff's Regiment and murderers of Union men, in relation thereto 117

E.

Education, report of superintendent of..................... 65

Education, publication of report of superintendent of......... 73

Education, report from committee on............ ....482 to 486

Education, report of committee acted upon... ....910 to 918

Education, report of committee acted upon............930 to 932

Election of permanent President........................ 3

El Paso county, resolution to relinquish State jurisdiction over to the United States.............................. 135

El Paso county, report of Committee on Federal Relations respecting relinquishment of State jurisdiction over..758 to 761

Engrossing Clerk, election of........................... 8

PAGE.

Engrossed Provisions, report from committee on, ...52, 77, 78, 105, 116, 802, 943

Enrolling Clerk, election of.............................. 9

Enrolling and Engrossing Clerk, to act as directed by secretaries.. 117

Enrolling and Engrossing Clerks, report respecting......... 122

Enrolling Clerk, appointment of Thomas H. Waldron 924

Enrolled Provisions, reports from committee on...158, 260, 698, 699

Evans, L. D., added to Committee on Division of the State... 118

Evans, L. D., resolution instructing Committee on Lawlessness and Violence to produce the testimony on which their report was based.................................... 221

Evans, L. D., added to Committee on Internal Improvements . 426

Evans, L. D., added to Committee on Political and Legislative. 309

Evans, A. J., resolution for appointment of committee to report rules for Convention............................ .. 9

Evans, A. J., resolution providing the rules of the House of Representatives of 1845 be the rules governing the Convention....................................... ... 10

Evans, A. J., resolution to print one thousand copies of Governor's message.................................. 17

Evans, A. J., report from Committee on Rules............ 19

Evans, A. J., resolution postponing report of Committee on Rules........ 19

Evans, A. J., declaration respecting the theory of the government and the acts of the State Legislatures since 1861.... 28

PAGE.
Evans, A. J., resolution to refer to Committee on Printing all resolutions relating to newspapers... 39

Evans, A. J., declaration respecting the unparalleled degree of lawlessness and violence in the State 43

Evans, A. J., report from Committee on Federal Relations, in reference to ordinances and laws of rebel Conventions and Legislatures.................................... 53

Evans, A. J., resolution requesting Commanding General to approve appropriation for pay of Convention.............. 106

Evans, A. J., sections to be incorporated in the constitution... 114

Evans, A. J., declaration authorizing counties to aid in the construction of railroads.............................. 149

Evans, A. J., report from Committee on Federal Relations respecting jurisdiction over El Paso county............. 155

Evans, A. J., declaration providing that railroad companies shall not suffer any prejudice in their charters until a meeting of the Legislature........................ 173

Evans, A. J., declaration appropriating —— dollars to pay expenses of Committee on Penitentiary................ 173

Evans, A. J., declaration authorizing the Governor to sell portions of the State................................ 183

Evans, A. J., declaration respecting the Capital of Texas 209

Evans, A. J., declaration providing that the Constitution of 1845, with changes proposed, be the Constitution of Texas ....218 to 220

Evans, A. J., declaration respecting committee room number three....... 267

Evans, A. J., report from Committee on Federal Relations respecting bounty to U. S. soldiers ....294 to 296

PAGE.

Evans, A. J., report from Committee on Federal Relations respecting the ceding to the United States of certain territories 394, 395

Evans, A. J., resolution to strike Mr. Cole's name from list of delegates........ 405

Evans, A. J., declaration to memorialize Congress to extend the Bankrupt Act 417

Evans, A. J., resolution respecting adjournment 419

Evans, A. J., resolution respecting adjournment acted upon.. 428

Evans, A. J., substitute for minority report of Committee on Internal Improvements respecting sale of railroads...496, 497

Evans, substitute to reports of Committee on Internal Improvements, respecting sale of railroads........507, 508

Evans, A. J., resolution providing for an elective system of judiciary........ 554

Evans, A. J., resolution to pay W. E. Horne, a delegate, absent by sickness........622, 623

Evans, A. J., petition from citizens of Hamilton county, asking formation of new county........ 640

Evans, A. J., declaration relating to execution of criminal laws 661

Evans, A. J., resolution providing for a recess........ 710

Evans, A. J., resolution respecting payment of Fred. Slaughter 735

Executive Department, report from Committee on .....296 to 302

Executive Department, report from Committee on 457

Executive Committee, report from Committee of the Whole upon report of........477 to 482

PAGE.

Executive Department, report from committee, action thereon ....527 to 530

Executive Department, report from Committee on, action thereon 557, 558

Executive Department, report from Committee on, action thereon 572

Executive Department, report of committee acted upon .595 to 597

Executive Department, report of committee acted on 632

Executive Department, report of committee acted upon .623 to 625

Executive Committee, report of, acted upon ....645 to 647

F.

Fayle, W. R., resolution respecting taxes accruing on real estate 75

Fayle, W. R., resolution disfranchising editors and publishers of newspapers who advocated secession 125

Fayle, W. R., report from Committee on Enrolled Provisions. 140

Fayle, W. R., declaration providing that no property qualification to hold office or vote shall be required.... 150

Fayle, W. R., declaration relating to militia and carrying arms 152

Fayle W. R., declaration respecting the rights, privileges and immunities common to citizens.... 152

Fayle W. R., report from Committee on Enrolled Bills...... 158

Fayle W. R., preamble and resolutions for appointment of a committee to select executive State officers... 210

Fayle W. R., report from Committee on Enrolled Provisions.. 260

PAGE.

Fayle W. R., added to Committee on Internal Improvements.. 426

Fayle W. R., petition for the incorporation of the Hebrew Benevolent Society of Houston.......................... 438

Fayle W. R., declaration incorporating the Bolivar Point and Houston Ship Channel Company...............588 to 592

Fayle W. R., petitition from A. D. Robertson and others, asking charter for horse railroad at Houston.............. 669

Fayle W. R., report from Committee on Enrolled Provisions.. ....698, 699

Federal Relations, reports of committee on,.............. 155, 172, 174, 181, 205, 206, 207, 287, 294, 295, 296, 394, 395, 396, 758, 759, 760, 761, 845, 846, 847.

First assistant secretary, election of....................... 4

Flake F., vote of thanks to............................ 75

Flanagan J. W., declaration to suspend sheriff's and constable's sales........ 31

Flanagan W., resolution appropriating one hundred and twenty-five thousand dollars to pay expenses of the Convention 33

Flanagan J. W., resolution requesting the executive to frame portrait of Gen. Sam Houston......... 118

Flanagan J. W., report from Committee on Internal Improvements, respecting the Brazos Branch Railroad and the H. M. and J. Railroad....... 169

Flanagan, J. W., declaration for the development of the riches, fertility and commerce of the State.. 184

Flanagan J. W., report from Committee on Internal Improvements, respecting a tax on counties for railroad purposes... 270

Flanagan J. W., report from Committee on Internal Improvements upon the indebtedness of the railroads to the State .... .270 to 282

PAGE.

Flanagan Webster, resolution respecting apothecaries and druggists 400

Flanagan Webster, resolution respecting license for gambling.. 409

Flanagan J. W., report of Committee on Internal Improvements, upon declaration to incorporate the Bellville, Hempstead and Bryan Bridge Company...........472, 473

Flanagan J. W., resolution respecting sessions of Convention.. ....629 to 631

Flanagan J. W., report from Committee on Internal Improvements, respecting Mexican Gulf Railroad, and extending relief to railroad companies.........................654, 655

Flanagan J. W., petition from county commissioners of Anderson county for relinquishment of State tax.............. 701

Flanagan J. W., report from Committee on Internal Improvements respecting Houston City Railroad.... 705

Flanagan J. W., resolution for payment of copying clerk.... 828

Flanagan J. W., report from Committee on Internal Improvements, upon declaration for relief of Central Railroad Company....................................886, 887

Flanagan J. W., report from Committee on Internal Improvements, respecting Central Railroad Company.....906 to 909

Flanagan J. W., declaration giving the consent of the Convention for a division of the State..................... 940

Fleming, report from Committee on Counties and County Boundaries upon creation of San Jacinto county....... 765

Fortie, Richard, a lunatic, respecting.... 127

Foster, declaration respecting mechanics' liens............. 426

Foster, declaration providing pay for Flake's Bulletin....887, 888

PAGE.

Funds on hand, statement of, in State Treasury on 31st day of May, 1868 27

G.

Galveston Republican, resolution respecting 29

General Land Office, resolution for information therefrom 43

GENERAL PROVISIONS—

General provisions of the Constitution 236, 243

General provisions, committee on, additional returns referred to 114

General provisions, action upon report of committee on 572, 577

General provisions, report of committee, acted on 632

General provisions, action upon report of committee on .. 647

General provisions, report from committee, action upon 667, 669

General provisions, report of committee, acted upon .. 692, 693

General provisions, report acted upon 695, 698

General provisions, report of committee, acted upon .. 775, 777

General provisions, report of committee, acted upon 714

General provisions, report of committee, acted upon .. 728, 732

General provisions, report from committee, acted upon 706, 709

General provisions, report of committee, acted upon .. 785, 789

PAGE.

GENERAL PROVISIONS—*concluded.*

General provisions, report of committee, acted upon . . 737, 741

General provisions, report from committee, acted upon 717, 723

General provisions, report of committee acted upon . . . 702, 705

General provisions, report of committee acted upon . . . 793, 798

General provisions, report of committee acted upon . . . 743, 757

General provisions, report of committee on, respecting acts of incorporation of 1866 799

General provisions, report of committee acted upon . . . 816, 825

Gillespie, C. C., editor of Houston Telegraph, resolution to arrest 435

Glenn, M., minority report from Committee on Finance respecting appropriation of $25,000 for arrest of desperadoes 133

Glenn, declaration to provide for a division of the State 136

Glenn, minority report from Committee on Finance recommending discharge of reporter 252

Glenn, minority report from Committee on Finance respecting appropriations of $15,000 and $25,000 618

Goddin, declaration respecting punishment of petty crimes 142

Goddin, resolution respecting carrying of deadly weapons 142

Goddin, petition from citizens of Polk, Walker and Montgomery asking formation of new county 530

Goddin, declaration creating the county of San Jacinto 656

PAGE.

Goddin, resolution for committee to inquire into truthfulness of minority report of Committee on Lawlessness and Violence.... 682

Goddin, report from special committee upon petition of citizens of Polk county for creation of county of San Jacinto....869, 870

Governor, committee appointed to wait upon.... 9

Governor, message of.... 12

Governor, message of, action upon.... 30

Governor of Texas, transmitting report of E. M. Wheelock, Superintendent of Education.... 64

Governor of Texas, letter transmitting report of Commissioner of General Land Office.... 82

Governor, $25,000 to be used by, for arrest of lawless and desperate characters.... 124

Governor of Texas, communications from.... 129

Governor of Texas, recommending the Convention to purchase 3500 copies of Paschal's Digest.... 153

Governor of Texas, communication from respecting finances of the State.... 207

Governor of Texas, communication from transmitting letter from controller.... 313

Governor of Texas, communication from, referred to Committee on Finance.... 400

Governor of Texas, communication from, transmitting Controller's, Treasurer's and Commissioner of Land Office report as to status of clerks.... 458

Governor of Texas, transmitting communication and declaration for leasing penitentiary....771, 773

PAGE.

Governor of Texas, action upon declaration of for leasing penitentiary........ ....832, 833

Grand Army of the Republic, resolutions from............ 717

Graham, J. H., elected Sergeant-at-Arms.................. 6

Gray, report from Committee on State Affairs upon petition of W. R. Storey...... 55

Gray, report from Committee on State Affairs, defining the powers of the Convention.... 54

Gray, B. W., from Committee on State Affairs, report from respecting J. P. O'Leary 73

Gray, resolution respecting bridge across Boggy Bayou.... . 447

H.

Hamilton, A. J., report from committee to wait upon General Reynolds and Governor Pease............ 10

Hamilton, A. J., resolution for purchase of Paschal's Annotated Constitution of the United States.................. 23

Hamilton, A. J., resolution of instruction to Judiciary Committee respecting Boards of Registers................29 to 30

Hamilton, A. J., report from Judiciary Committee upon resolution urging Congress to change Reconstruction Acts..... 41

Hamilton, A. J., minority report from Committee on Judiciary, respecting sales by sheriffs......................... 57

Hamilton, A. J., resolution for appointment of Special Committee to examine affairs of penitentiary................ 63

Hamilton, A. J., resolution respecting Committee on Penitentiary... 107

PAGE.

Hamilton, A. J., substitute for report on lawlessness and violence.. 111

Hamilton, A. J., report from Committee on Judiciary upon Paschal's Digest.. 190

Hamilton, A. J., resolution providing for the hours of regular session of the Convention........................ 182

Hamilton, A. J., report from Judiciary Committee recommending that no bond be required of the State in suits....... 204

Hamilton, A. J., declaration and memorial from citizens of Fayette, Bastrop, Caldwell, Gonzales and Lavaca counties for creation of county of Oakland.................421, 422

Hamilton, A. J., report from Judiciary Committee.......... 465

Hamilton, A. J., privileged question..................... 487

Hamilton, A. J., resolution requesting General Reynolds to select officers to act with committee on Millican riot...... 505

Hamilton, A. J., resolution to discontinue the San Antonio Free Press.. 526

Hamilton, A. J., declaration respecting captives held by Indians..................................593, 594

Hamilton, A. J., resolution relieving committee to investigate Millican riot.. 619

Hamilton, A. J., resolution for payment of official reporter... 621

Hamilton, A. J., resolution providing that no resolution to adjourn shall be considered for two weeks.............. 711

Hamilton, A. J., declaration for relief of heirs of General Sam. Houston.. 827

Hamilton, M. C., resolution for select committee to report plan of proceedings to frame a Constitution.............. 31

PAGE.

Hamilton, M. C., amendment giving members choice of newspapers.................................... 49

Hamilton, M. C., amendment to resolution appropriating $125,000 to pay expenses of Convention............ 123

Hamilton, M. C., resolution requesting Commanding General to cause estimates of receipts and expenditures for year ending July 1, 1869, to be made......................... 184

Hamilton, M. C., resolution requesting certain statements from Comptroller of Accounts.......................... 209

Hamilton, M. C., report from Committee on General Provisions upon certain resolutions......................... 225

Hamilton, M. C., report from Committee on General Provisions ....233 to 243

Hamilton, M. C., and C. Caldwell, resolution to send to Washington and appropriating $3,000 to pay expenses, action upon.......................................893, 894

Harn, C. D., resolution relating to Richard Fortie, a lunatic.. 127

Harn, C. D., added to Committee on Penitentiary.......... 128

Harn, C. D., resolution proposing new section to Constitution respecting imprisonment for debt...................... 173

Harn, C. D., declaration relating to school fund of the State.. 185

Harn, C. D., resolution instructing Judiciary Committee to report qualification of jurors........................... 212

Harn, C. D., resolution respecting the homestead of citizens.. 251

Harn, C. D., declaration relating to freedom of speech and ballot box.. 304

Harn, C. D., resolution respecting the use of intoxicating liquors.. 307

PAGE.

Harn, C. D., declaration respecting Confederate notes in consideration for contracts, deeds, etc.................... 396

Harn, C. D., declaration respecting homesteads............ 416

Harn, C. D., resolution respecting persons who have received money for erecting a monument on the battle field of San Jacinto..................................449, 450

Harn, C. D., declaration for incorporation of Navasota, Washington and Brazos Bridge Company.... ....874, 875

Hart, Martin D., resolution for appointment of committee to investigate murder of............... 701

Hart M. D., resolutions respecting 830

Hebrew Benevolent Society of Houston, act of incorporation.. 438

Holy Scriptures, resolution against the Legislature passing any law in contravention thereof....................... 151

Horne W. E., resolution for appointment of committee to ascertain to what date reporter has written up debates..... 811

Horne W. E., report from special committee respecting what debates and speeches reporter has written out 885

Houston, Gen. Sam, resolution to frame portrait of......... 118

Houston, Gen. Sam, recommending framing portrait of 141

Houston Tap and Brazoria Railroad, declaration for sale of... 282

Houston Tap and Brazoria Railroad, declaration for sale of 442, 443

Houston, Gen. Sam, respecting a monument in memory of.... ....448, 449

Houston City Railroad, declaration incorporating, acted upon 713, 714

PAGE.

Houston, Texas Central and Washington County Railroad Company, action upon.............................932, 939

Hunt H. C., resolution of gratitude to those of Texas who took up arms in defence of the government.... 75

Hunt H. C., of Comal, resolution for publication of report of Wm. Alexander, Attorney General.................. 128

Hunt H. C., petitions from citizens of Guadalupe and Comal counties, asking formation of a new county............ 139

Hunt H. C., declaration giving bounty to Texas United States soldiers...................... 186

Hunt H. C., declaration respecting charters and special privileges.. 211

Hunt H. C., from Committee on State Affairs, upon police regulations of Galveston 511

Hunt H. C., from Committee on State Affairs, respecting monument on the battle field of San Jacinto 533, 534

Hunt H. C., report from Committee on State Affairs, upon locating capitol after 1870 559

Hunt H. C., report from Committee on State Affairs, upon Mr. Mundine's resolution to extend the right of suffrage to all citizens........ ....577, 579

Hunt H. C., report from Committee on State Affairs, upon report of Committee on Penitentiary 627

Hunt H. C., report from Committee on State Affairs, upon resolution referred.................................. 628

Hunt H. C., report from Committee on State Affairs, upon declaration to incorporate the Germania Club............ 671

Hunt H. C., report from Committee on State Affairs, relating to support of paupers in each county................. 700

PAGE.

Hunt H. C., report from Committee on State Affairs, respecting State tax of Jefferson county....................781, 782

Hunt H. C., report from Committee on State Affairs, respect- in the incorporation of Fredericksburg............800, 802

Hunt H. C., report from Committee on State Affairs, relating to relinquishment of State tax of county of Erath..826, 827

Hunt H. C., declaration granting relief to the San Antonio and Rio Grande Railroad Company...................... 920

I.

Immigration, report from Committee on................162, 169

Indians, declaration respecting captives held by 593, 594

Internal Improvements, reports from Committee on........ 43, 270 to 282, 413, 414, 426, 429 to 435, 428, 429, 439 to 443, 490 to 496, 491 to 496, 507, 508, 509, 556, 633 to 639, 654, 655, 694, 695, 705, 709 to 713, 848 to 850, 870 871, 906 to 909.

International Pacific Railroad, declaration respecting........ 107

International Railroad Company, report from Committee on Internal Improvements acted upon ....229 to 232

International railroad, declaration in relation to.........413–414

International railroad, report respecting, acted upon 420, 421

International railroad, substitute for report of Committee on Internal Improvements 421

International Pacific railroad charter, action respecting..429 to 435

International Pacific Railroad Company, report of Committee on Internal Improvements respecting, acted upon....709, 713

PAGE.

International Pacific railroad, declaration supplemental thereto 828, 829

International Pacific Railroad Company, incorporation of. . 875, 876

International Pacific Railroad Company, declaration supplemental to a declaration respecting 891

"Iron-clad oath," permission for Mr. Bledsoe to take 58

J.

Johnson of Calhoun, resolution respecting enrolling and engrossing clerks 117

Johnson of Calhoun, resolution upon suffrage 125

Johnson of Calhoun, declaration respecting the San Antonio and Mexican Gulf Railroad Company 555, 556

Johnson of Calhoun, resolution respecting official reporter 682

Johnson of Harrison, defining who shall be eligible for judges. 247

Johnson of Harrison, resolution to pay James Cassidy for writing 716

Jordan, resolution recognizing the efficiency of Divine Providence 151

Jordan, declaration providing for the punishment of peculation, embezzlement or public fraud 183

Jordan, declaration providing that all sects in religion shall be protected 267

Jordan, declaration proposing new sections to the constitution, respecting freedom of speech, etc 415

Jordan, petition from citizens of Goliad county, asking relinquishment of State tax to build jail 885

PAGE.

Jordan, declaration asking relinquishment of State tax for 1868, to Goliad county 889

Journals of the Convention, for publication of............... 51

Journals of the Convention, respecting 62

Journals of Convention, recording of.................... 499

Judicial Department, sections to be incorporated............ 112

Judicial Department, report from committee on ....465 to 470

Judicial District, resolution for creation of, acted upon....777, 778

Judiciary Committee, special report upon sections 34, 40, 41 and 42 of the report of the Committee on General Provisions 767, 768

Judiciary, Committee on, reports from .... 41, 56, 465 to 470, 694, 766 to 768

K.

Kealy, petition from citizens of Denton and Cook counties, against forming new county..... 177

Kealy, resolution providing for erection of poor-houses....... 212

Kealy, resolution compelling punctuality in delegates 790

Kealy, resolution respecting county sites.................. 875

Keigwin, declaration repealing the act of 1866 organizing county courts....... ....444 to 446

Keigwin, W., resolution declaring seat vacant.............. 843

Kirk, declaration providing for the relinquishment of State tax of Erath county for 1868.......................... 784

Kirk, declaration respecting the Central Railroad Company.871, 872

PAGE.

Kuechler, resolution respecting mineral substances.......... 247

Kuechler, petition from citizens of Gillespie county......... 511

Kuechler, petition for incorporation of Fredericksburg....... 705

Kuechler, declaration authorizing county court of Gillespie county to levy a special tax.................... 661

L.

Land Office, Commissioner of, report from as to political status of employes in office............................ 462

Land Office, report of Commissioner of..............82 to 103

Lawless and desperate characters, $25,000 appropriated for arrest of.. 124

Lawlessness and violence, minority report from committee on.......................................672 to 679

Lawlessness and violence, for appointment of committee on... 30

Lawlessness and violence, appointment of special committee on 34

Lawlessness and crime, resolution respecting................ 108

Lawlessness and violence, report upon...................... 111

Lawlessness and violence, report from committee on.....193 to 203

Lawlessness and violence, minority report from committee on.. 214

Lawlessness and violence, report from committee on....500 to 505

Lawlessness and violence, minority report from committee on.. 505

Leave of absence granted to Enrolling Clerk.............. 790

Leaverton, W. P., petition of.............................. 175

PAGE.
Legal tender acts of 1861 and 1862, respecting.......... .. 59

Legal tender acts of 1861 and 1862, declaration defining.... 609

Legislative powers not to be exercised by Convention......31, 32

Leib, declaration exempting from taxation school houses, houses used for worship, and houses of public charity, etc...... 156

Leib, resolution respecting observance of the Christian Sabbath 159

Lindsay, resolution for printing of reconstruction acts....... 42

Lindsay, report from Committee on Judiciary respecting sales by sheriffs...................................... 56

Lindsay, resolutions for governance of the Convention....... 127

Lindsay, resolution providing that no bond shall be required of the State in any suit................................ 156

Lindsay, declaration providing for a geological survey of the State.. 156

Lindsay, declaration relating to the policy of the State in granting settlement rights upon the public lands........ 157

Lindsay, declaration setting apart one-fourth of the annual tax for education........ 158

Lindsay, declaration suspending sale of school lands by police courts 178

Lindsay, resolution requiring no bond of the State in suits, action upon.................................... 229

Lindsay, report from Committee on Executive Department 296, 302

Lindsay, declaration for establishment of "Manual Labor Poor Houses" 425

Lindsay, substitute for reports of Committee on Internal Improvements, respecting sale of railroads.......... 508, 509

PAGE.

Lindsay, resolution granting use of hall for lecture.......... 511

Lindsay, report from special committee to inquire into conduct of Long and Johnson 687, 688

Lindsay, resolutions proposing new sections respecting lands.. 716

Lindsay, L. report from Committee on Judiciary, respecting mechanics' liens................................ 766

Lindsay, L. report from Judiciary Committee on sections 34, 40, 41, 42 of the report of the Committee on General Provisions 767, 768

Lindsay, declaration providing what newspapers shall publish engrossed Constitution.......................... 888

Lippard, J. resolution respecting oath of office............. 20

Lippard, resolution respecting lawlessness and crime 108

Lippard, resolution instructing Committee on Penitentiary to enquire into case of each convict.................... 118

Lippard, resolution respecting causes for peremptory challenge of jurymen.................................... 185

Lippard, report from Committee on Lands upon certain resolutions 214

Lippard, report from Committee on Lands upon declaration of Captain Stephen Crosby, late Commissioner of General Land Office 217

Lippard, resolution prohibiting capital punishment.......... 257

Lippard, resolution providing for the discontinuance of newspapers...................................... 416

Lippard, petition from citizens of Hill, Navarro and Limestone counties asking formation of new county.............. 438

Lippard, declaration for creation of county of Richmond..... 444

PAGE.

Lippard, resolution to discontinue newspapers, action upon 489, 490

Lippard, petition from citizens of Hill county respecting Achilles Foster 530

Lippard, report from Committee on Public Lands. 640, 642

Long, resolution respecting carrying of concealed weapons. . . . 248

Long, resolution authorizing Secretary to pay Fred. Slaughter five dollars per day 457

Long, declaration respecting acts of the Confederacy. 921

M.

Mackey, declaration respecting citizenship 117

Mobius, Max, elected enrolling clerk. 9

McCormick, A. P. resolution to take up message of Governor 30

McCormick, A. P. report from Committee on Contingent Expenses 35

McCormick, A. P. report from Committee on Contingent Expenses in relation to Paschal's Annotated Constitution of the United States. 40

McCormick, report from Committee on Contingent Expenses. . 110

McCormick, point of order respecting original resolutions after commitment to committees. 120

McCormick, A. P., report from Committee on Contingent Expenses, respecting pages, messengers and porters. 122

McCormick, A. P., report of Committee on Contingent Expenses in relation to enrolling and engrossing clerks. 122

McCormick, A. P., report from Committee on Contingent Expenses relative to framing portrait General Sam Houston. 141

PAGE.

McCormick, resolution providing that resolutions reported upon favorably to be printed.... 155

McCormick, report of Committee on Contingent Expenses, recommending appropriation to pay expenses of Committee on Penitentiary.... 192

Morse, declaration respecting those qualified to practice medicine in the State.... 251

McCormick, from Committee on Contingent Expenses, recommending the discharge of official reporters of the Convention.... 263

McCormick, report from Committee on Contingent Expenses respecting recording of journals.... 304

McCormick, report from Committee on Contingent Expenses respecting recording journals.... 475

McCormick, report from Committee on Contingent Expenses respecting claim of A. Grigsby for extra mileage.... 423

McCormick, report from Committee on Contingent Expenses respecting payment of Postmaster of Convention 427, 428

McCormick, resolution to print two hundred copies of report from Committee of the Whole upon Executive Department.... 482

McCormick, report from Committee on Contingent Enpenses respecting recording of journals.... 499

McCormick, report from Committee on Contingent Expenses respecting official reporters.... 643

McCormick, report from Committee on Contingent Expenses respecting pay of Fred Slaughter....689, 691

McCormick, report from Committee on Contingent Expenses respecting appropriation of $125,000 to pay expenses of Convention, acted upon....779, 781

PAGE.

McCormick, declaration providing for sending A. J. Hamilton and C. Caldwell to Washington.................... 844

McCormick, report from Committee on Contingent Expenses upon payment of J. F. Stokes, copying clerk........... 863

McKinney Messenger, upon question of privileges by Mr. Slaughter, inserted in declaration to print constitution, in place of newspaper at Marshall......................... 891

Messengers, selection of................................. 5

Messengers and porters, President to appoint................ 6

McWashington, resolution proposing new section to the constitution... 257

McWashington, resolution providing that no person shall be imprisoned for debt.............................. 414

McWashington, declaration respecting dueling.............. 417

McWashington, resolution respecting property of females..... 456

Memphis and El Paso Railroad Company, certificates and patents for lands, resolution respecting.................. 20

Memphis and El Paso Railroad, respecting land reserve of.... 142

Memphis and El Paso Railroad, declaration respecting....... 418

Memphis and El Paso Railroad Company, declaration opening reserve of to actual settlers, acted upon............... 762

Memphis and El Paso Railroad, report of special committee respecting the opening of reservation to settlement...809, 811

Memphis and El Paso Railroad Company, opening reserve, action upon.............................893, 894, 895

Memphis and El Paso Railroad Company, declaration opening reserve of, to actual settlers, or location by genuine land certificates...............................899, 900

PAGE.

Memphis and El Paso Railroad, action upon opening reserve of, to actual settlers and location........................929, 930

Mexican Gulf Railroad Company, action upon report of committee.....................................694, 695

Mexican Gulf Railroad Company, declaration respecting passed.......................................876, 877

Mills, W. W., resolution to reconsider vote adopting oath of office.................................... 24

Mills, W. W., resolution in relation to Texas relinquishing jurisdiction over El Paso Company.................... 135

Munroe, A. T., resolution referring Governor's message that relates to the division of the State to a special committee of ten.. 44

Munroe, A. T., report from Committee on Engrossed Provisions... 53

Munroe, A. T., report from Committee on Engrossed Provisions... 79

Munroe, A. T., report from Committee on Engrossed Provisions... 105

Munroe, A. T., report from Committee on Engrossed Provisions... 116

Munroe, A. T., added to Committee on Division of the State.. 118

Munroe, A. T., from Committee on Engrossed Provisions..... 123

Munroe, A. T., report from Committee on Engrossed Provisions... 134

Munroe, A. T., report from Committee on Division of the State. 144

Munroe, A. T., report from Committee on Division of the State. 147

PAGE.

Munroe, A. T., report from Committee on Division of the State, upon certain resolutions....................147, 148

Munroe, A. T., resolution respecting freedom of speech...... 153

Munroe, A. T., report from Committee on Engrossed Bills.... 170

Munroe, A. T., resolution instructing Judiciary Committee to report declaration declaring null and void notes given for purchase of slaves.............................. 247

Munroe, A. T., declaration respecting *ex post facto* laws, etc.. 252

Munroe, A. T., resolution to pay H. G. Daniel............. 399

Munroe, A. T., resolution respecting official reporter........ 420

Munroe, A. T., report from Committee on Division of the State, upon relinquishment of jurisdiction over El Paso county.................................... 500

Munroe, A. T., report from Committee on Engrossed Provisions..................................... 653

Munroe, A. T., declaration concerning the Buffalo Bayou, Brazos and Colorado Railroad Company...........657, 659

Munroe, A. T., declaration for removing administration of the estate of James H. Leaverton, from Anderson to Houston county.................................... 661

Munroe, A. T., report from Committee on Engrossed Provisions..................................... 802

Munroe, A. T., declaration in relation to railroads.......... 828

Munroe, A. T., report from Committee on Engrossed Provisions..................................... 943

Motion to reconsider the vote tabling the substitute to the report of the Committee on Internal Improvements, action upon...................................... 645

PAGE.

Motion to reconsider the vote tabling the substitute to the report of the Committee on Internal Improvements, action upon.. 691

Muckleroy, protest against the creation of the eighteenth judicial district.......... 789

Mullins, resolutions respecting powers of the Convention..... 32

Mullins, from Judiciary Committee, minority report from, upon resolution urging Congress to change reconstruction acts.. 41

Mullins, added to Committee on Lawlessness and Violence.... 309

Mullins, minority report from Committee on Lawlessness and Violence........ ....672, 679

Mundine, resolution providing that without distinction of sex persons shall be entitled to vote....................... 246

Mundine, added to Committee on State Affairs............. 419

Mundine, petition from citizens of Burleson opposing formation of a new county................ 651

Mundine, declaration establishing line between Burleson and Brazos counties, etc.......................... 727

N.

Navasota, Washington and Brazos Bridge Company, incorporation of............. ....874, 875

Newcomb, J. P., temporary secretary.................... 3

Newcomb, J. P., resolutions respecting death of Judge George Klappenbach, delegate elect... 18

Newcomb, J. P., resolution designating officer to administer oath of office..............................21, 22

Newcomb, J. P., resolution fixing sessions of Convention.... 33

PAGE.

Newcomb, J. P., resolution authorizing Committee on Printing to contract for publication of the journals of the Convention........ 60

Newcomb, J. P., declaration respecting children born out of wedlock........ 217

Newcomb, J. P., resolution providing for recess and printing Constitution........ 631

Newcomb, J. P., resolution respecting State officials who have drawn pay as such, and as delegates to the Convention........ 903, 904

Newcomb, J. P., declaration providing for a division of the State........ 940

Newspapers, choice of to members........ 49, 50, 51

Newspapers, not taken by members to be sent to their districts. 79

Newspapers, resolution for discontinuing of........ 245

Newspapers, to publish engrossed Constitution........ 888

Notary Public, to administer oath of office........ 23

Northern Texas Railway Company, declaration of incorporation........ 450, 456

O.

Oath of office, resolutions respecting........ 20, 21, 22, 23, 24

Oath of office, motion to reconsider adoption of........ 24

Oath of office, respecting........ 46

Oath of office, administered to Mr. Bledsoe........ 120

Oath of office, declaration respecting........ 446

PAGE.

Oaks, declaration respecting redress for grievances, by petition 409

Oaks, W. E., death of announced........................ 859

Official reporter, action upon report respecting............. 906

O'Leary, A. P. respecting............................. 52

O'Leary, J. P. report from committee on State affairs, respecting 73

O'Leary, report of Committee on State affairs, respecting..... 120

O'Leary, J. P. respecting.............................. 125

Ordinance, defining Legal Tender Acts of 1861 and 1862.... 59

Ordinance of Secession, declaration for rendering null and void 113

P

Paschal's Annotated Constitution of the United States, resolution for purchase of................................. 23

Paschal, Geo. W., communication from..................... 121

Paschal's Digest, report recommending purchase of 3,500 of.. 191

Patten, Nathan, resolution providing for arranging, numbering and drawing for seats.......................... 10

Patten, Nathan, added to Committee on Internal Improvements 33

Patten, Nathan, resolution instructing Committee on Internal Improvements to enquire into the condition of railroad companies...................................... 43

Patten, Nathan, declaration granting lands to actual settlers.. 179

Patten, Nathan, resolution discontinuing Austin Republican and other papers.................................... 245

PAGE.

Patten, Nathan, resolution for appointment of committee to investigate absence of J. R. Scott.................... 397

Patten, Nathan, resolution instructing Committee on State Affairs to report back resolution to locate capital and State universities................................. 416

Patten, Nathan, resolution instructing Committee on State Affairs to report upon location of capital, action upon..... 489

Patten, Nathan, resolution to commit report of Committee on Penitentiaries to the Governor 627, 628

Patten, Nathan, resolution providing for recess until January.. 785

Patten, Nathan, declaration providing for the collection of the school fund held by railroad companies............872, 873

Pease, Gov. E. M., committee to wait upon................ 9

Pease, Gov. E. M., communication from transmitting report of Superintendent of Education....................... 64

Pease, Gov. E. M., communication transmitting report of General Land Office................................... 82

Pease, Gov. E. M., communication from, recommending purchase of 3,500 copies of Paschal's Digest............ 153

Pease, Gov. E. M., communications from.................. 129

Pease, Gov. E. M., communication from respecting finances of the State.. 207

Pease, Gov. E. M., communication from.................. 313

Pease, Gov. E. M., communication from referred to Committee on Finance...................................... 400

Pease, Gov. E. M., communication from, transmitting reports from Comptroller, Treasurer and Land Office, as to political status of employes.............................. 458

PAGE.

Pease, Gov. E. M., communication from respecting Penitentiary 771, 773

Pease, Gov. E. M., communication and declaration respecting State Penitentiary, action on........... ....832, 833

Pedigo, H. C., resolution for appointment of Special Committee on Political Disabilities 141

Pedigo, H. C., declaration relating to mineral substances and ownership thereof.... 148

Pedigo, H. C., report from Committee on Political Disabilities, reporting names for relief 226, 227

Pedigo, H. C., report from Committee on Counties and County Boundaries, recommending the creation of the county of Paschal... 424

Pedigo, H. C., report from Committee on Counties and County Boundaries, upon certain resolutions.................. 425

Pedigo, H. C., report from Committee on Counties and County Boundaries, recommending creation of the county of Webster........ 425

Pedigo, H. C., report from Committee on Political Disabilities, recommending persons to be relieved......... ...511 to 526

Pedigo, H. C., from Committee on Counties and County Boundaries, report from.................... .583 to 588

Pedigo, H. C., added to Committee on Judiciary 26

Pedigo, H. C., resolution asking Congress to make Sabine Pass a port of entry................................ 623

Pedigo, H. C., report from the Committee on Counties and County Boundaries, respecting boundary line of Comal county 699

Pedigo, H. C., report from Committee on Counties and County Boundaries, respecting area of new counties.......732, 733

PAGE.
Pedigo, H. C., report from Committee on Counties and County Boundaries, respecting line between Burleson and Brazos counties 742

Pedigo, H. C., report from Committee on Counties and County Boundaries, respecting creation of the county of Raines.. 779

Penitentiary, resolution for appointment of committee to examine financial affairs of.......................... 63

Penitentiary, appointment of Committee on................ 74

Penitentiary, committee on, to inquire into case of each convict.. 118

Penitentiary, committee on, to proceed to Huntsville........ 119

Penitentiary, amounts paid therefor, since its establishment... ....376 to 382

Penitentiary, report from committee to investigate condition of ....534 to 554

Penitentiary, list of convicts in........................536 to 544

Penitentiary, statement of convicts as to offenses......545 to 554

Penitentiary, communication from Governor Pease, respecting ....771 to 773

Penitentiary, declaration to lease.......................773 to 775

Penitentiary, report of special committee upon Governor Pease's declaration to lease....... ....782 to 784

Penitentiary, report from special committee to examine financial condition of.................. ... .803 to 809

Penitentiary, action upon declaration providing for the leasing of...832, 833

Penitentiary, minority report of committee respecting..864 to 869

PAGE.

Permanent President of Convention.......................... 3

Permanent Secretary of Convention.......................... 4

Permanent organization..............................3 to 9

Per diem pay of delegates and officers.................... 60

Per diem pay of members and officers.................46, 47, 48

Per diem pay of absent members stopped.................. 660

Plurality vote to elect 6

Phillips, of San Augustine, resolution to provide rooms for committees 32

Phillips, of San Augustine, declaration providing for jail in San Augustine county............................. 843

Phillips, of Wharton, report from Committee on Commerce and Manufactures 151

Phillips, of Wharton, declaration concerning civil suits...... 152

Phillips, of Wharton, declaration respecting suits by the State 408

Phillips, of Wharton, resolution respecting obligations of towns, cities and counties, for collection of................... 706

Phillips, of Wharton, report from Committee on Commerce and Manufactures respecting encouragement to manufactures....................................733, 734

Phillips, of Wharton, report of special committee appointed to inquire into the right of certain gentlemen to seats..842, 843

Political and Legislative; Committee on, to employ a clerk.... 115

Political disabilities, for appointment of special committee on.. 141

Political disabilities, persons recommended for relief of..513 to 526

PAGE.

Political and Legislative, report from Committee on.. 560 to 570

Political and Legislative, report of Committee acted upon 853 to 859

Powers of the Convention, in reference thereto............. 77

President to appoint five messengers and two porters........ 6

Pretended laws of 1866 against the freedmen (see Appendix)..................................953 to 955

Pretended laws based upon Constitution of 1866 (see Appendix)..................................956 to 960

Preece, W., elected doorkeeper.......................... 7

Protest of Armstrong, of Jasper, against the resolution urging Congress to authorize the Convention to organize a militia force in each county............................ 131

Public Lands, report from Committee on.............640 to 642

Public debt, statement of.................. ....364 to 368

R.

Railroad companies, reports from, under act of February 7, 1853...................... 369

Railroad companies, indebtedness to State........... 369

Railroads, declarations providing for the sale of ....439 to 443

Railroads, minority report from Committee on Internal Improvements concerning sale of..................491 to 496

Railroads, declaration from Committee on Education for sale of.................................. ....485, 486

PAGE.

Railroads, substitute for majority and minority report of Committee on Internal Improvements concerning sale of. .496, 497

Railroads, substitute for report of Committee on Internal Improvements providing for sale of. 508, 509

Railroads, minority report from Committee on Finance respecting 608, 609

Railroads, matters concerning, to be referred to a select committee 631

Railroads, report of special committee on 769, 770

Railroads, select committee on, report of, acted upon . . .790 to 792

Receipts of State revenue from July 1, 1867, to June 30, 1868. 256

Recess, resolution respecting. 631

Reconstruction Acts; two hundred copies printed. 78

Renick, Rev., elected Chaplain 9

Resolution to place to credit of delegates the amount of cost of such papers not taken, action on 125

Resolution providing for sending Messrs. Hamilton and Caldwell to Washington, action upon. 893, 894

Report of the Attorney-General of Texas, for 1867 (see Appendix) . . . . .947 to 960

Reporter for the Convention, resolution respecting. 10

Reporter of Convention, report recommending the employment of 19

Reporters, newspaper, respecting. 30

Reporter of Convention, communication from 63
68

PAGE.

Reporter, to dispense with services of 120

Reporter, resolution for discharge of 245

Reporter of Convention, resolution providing for dispensing with services of.................................. 263

Reporter of Convention, report respecting................ 419

Reporter of Convention, resolution respecting.............. 420

Reynolds, Maj. Gen. J. J., committee to wait upon 9

Reynolds, Maj. Gen. J. J., communication from, transmitting statements from Acting Comptroller 255

Reynolds, Maj. Gen. J. J., communication from, transmitting information to Convention 314

Reynolds, Maj. Gen. J. J., communication from, referred to Committee on Finance........................... 400

Reynolds, Maj. Gen. J. J., communication from, disapproving appropriation of $25,000 to pay expenses of Convention. 858

Reynolds, Maj. Gen. J. J., communications from, disapproving declarations for relinquishment of State tax for 1868, from the counties of Montgomery and Jefferson 910, 911

Rives, Geo. C., acting Comptroller, report from, respecting receipts and expenditures from Treasury from July 1, 1867, to June 30, 1868................ ....256 to 259

Rives, Geo. C., acting Comptroller, statement from, respecting finances of the State 208

Rives, Geo. C., acting Comptroller, communication from..... 313

Rives, Geo. C., acting Comptroller, communication from, transmitting certain statements asked for by resolution of Convention 314, 315

Rogers of Fannin, declaration in relation to loyal ministers of the Gospel 127

PAGE.

Rodefeld, Henry, report respecting 531

Ruby, G. T., resolution for appointment of select committees of the Convention 11

Ruby, G. T., resolution relating to Austin Republican, San Antonio Express, and Galveston Republican 29

Ruby, G. T., resolution for appointment of special committees on certain subjects 30

Ruby, G. T. added to Committee on Education 33

Ruby, G. T. resolution respecting map of Texas 109

Ruby, G. T. declaration respecting city government of Galveston 228

Ruby, G. T. resolution respecting committee rooms, action thereon 420

Ruby, G. T. resolution to pay Fred. Slaughter, action upon 593

Rules governing Convention, report of Committee on 19

Rules governing Convention, report of Committee on, adopted (see Appendix) 22

Rules governing Convention, action thereon 137

Rules of Convention (see Appendix)

S.

San Antonio Express, resolution respecting 29

San Antonio Express, communication respecting 73

San Antonio Free Press, respecting 74

San Antonio Express, respecting 74

PAGE.

San Antonio Free Press, resolution to discontinue (Hamilton, A. J.) 526

San Antonio and Rio Grande Railroad, declaration for relief of, action upon 920, 921

Sabine Pass, a port of entry, action upon 735

Schuetze, resolution to print one thousand copies of Governor's message in German and Spanish 17

Schuetze, resolution that delegates be instructed to file order of Commanding General convening Convention, with Committee on Credentials 25

Schuetze, declaration proposing a section to the Constitution .. 124

Schuetze, resolution respecting the admission of orphans into the asylums 307

Schuetze, resolution providing for an armed cavalry police force 456

Schuetze, resolution providing for printing of remarks of A. J. Hamilton and E. Degener 456

Schuetze, declaration respecting offences committed on Sunday, to repeal laws relating to 725

Schuetze, declaration asking relinquishment of State taxes for 1868 922

Schuetze, J. report from special committee appointed to visit asylums 919, 920

Scott, J. R. committee to investigate absence of 397

Scott, J. R. motion to release from arrest, action thereon 402

Scott, J R. committee to enquire into conduct of 406

Scott, J. R. resolution authorizing Lamar county to levy a special tax 488

PAGE.

Secretary of State, communication from, respecting Paschal's Digest and opening State library.................. 52

Secession and rebellion, editors and publishers that advocated it to be disfranchised 125

Second Assistant Secretary, election of.................. 4

Second Assistant Sergeant-at-Arms, election of............. 7

Selection of two messengers......................... 5

Sergeant-at-Arms, election of......................... 6

Sheriffs' sales of property, reports upon suspending........56, 57

Sheriffs' forced sales, action thereon....................... 77

Sheriffs' sales, respecting............................ 109

Sheriffs' forced sales, respecting....................... 115

Sheriffs' forced sales, substitute to report thereon.......... 118

Siemering & Co., A., communication from, respecting San Antonio Express.................................. 269

Slaughter, G., resolution providing for religious services in the House of Representatives every Sunday.............. 186

Slaughter, G., declaration respecting acts of the Legislature of 1866.................................... 247

Slaughter, G., resolution providing for publication of names recommended for relief of disabilities................ 268

Slaughter, G., resolution providing for publishing names of persons recommended for relief of political disabilities, action thereon.................................. 420

Slaughter, G., resolution respecting pay of absent members... 660

Slaughter, Fred, mail carrier, resolution for payment of...... 735

PAGE.

Slaves, resolution declaring null and void notes given for purchase of.......... 208

Smith, R. K., resolution respecting oath of office, and those eligible thereto.......... 18

Smith, R. K., amendment to oath of office.......... 20

Smith, R. K., added to Committee on Apportionment.......... 33

Smith, R. K., resolution for publishing debates of Convention. 63

Smith, R. K., resolution for appointment of folder.......... 106

Smith, R. K., minority report from Committee on Internal Improvement, respecting the B. B. and H. M. and J. R. R. 169

Smith, R. K., resolution for appointment of committee of fifteen to attend an exhibition at Blind Asylum.......... 172

Smith, R. K., declaration providing against discrimination on account of color, etc.......... 210

Smith, R. K., proposing new sections to Constitution in relation to Comptroller.......... 217

Smith, R. K., declaration respecting ordinances and resolutions conflicting with the Constitution and States of the United States, to be null and void.......... 221

Smith, R. K., report from special committee to visit Blind Asylum..........243, 244

Smith, R. K., petition from H. Rodefeld asking divorce from his wife on account of lunacy..........289 to 293

Smith, R. K., declaration to dissolve the bonds of matrimony of Henry Rodefeld.......... 305

Smith, R. K., granted use of Hall for lecture.......... 397

Smith, R. K., resolution instructing Committee on Contingent

PAGE.
Expenses respecting members who travelled by circuitous routes. 399

Smith, R. K., resolution requesting the Commanding General to arrest the editor of the Houston Telegraph, action upon. . . . . .435 to 438

Smith, R. K., declaration incorporating the Northern Texas Railway Company. 450, 456

Smith, R. K., resolution for appointment of committee for selection of laws of pretended Legislatures which should be validated. 473, 474

Smith, R. K., resolution for committee to investigate Millican riot, to employ a clerk. 487

Smith, R. K., resolution providing for committee to inquire into right of delegates to hold a seat in violation of Military Order No. 16. 554

Smith, R. K., resolution directing the Controller to pay Postmaster of Convention. 595

Smith, R. K., report from Special Committee to examine controller's and Treasurer's offices. 651, 653

Smith, R. K., protest against minority report of Committee on Lawlessness and Violence. 705

Smith, R. K., resolution limiting speeches to one on each side, and others to five minutes. 784

Smith, R. K., resolution for appointment of committee to inquire authority for delegate holding a seat in violation of circular No. 16. 815

Smith, R. K., declaration asking Congress to investigate charges against Judge Watrous. 831

Smith, R. K., resolution declaring vacant the seat of William Keigwin. 843

PAGE.
Smith, R. K., resolution providing for a recess..........851, 853

Smith, R. K., resolution requesting General Reynolds to authorize the payment of warrants of delegates 878

Smith, G. W., minority report from Committee on Immigration.. 177

Smith, G. W., resolution changing the name of Davis county to Cass.. 555

Smith, G. W., declaration to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company. 812, 813

Southern Pacific Railroad, declaration for sale of........279, 282

Southern Pacific Railroad, declaration for sale of........439, 442

State Affairs, report from committee on.................. 73

State Affairs, Mullins added............................ 419

State officials, resolution respecting who have drawn pay as such, and as members of Convention....................903, 904

Special Committees, for appointment of..................30, 34

Special Committee on Lawlessness and Violence............ 34

Special Committee on Division of State, appointed.......... 51

Special Committee to examine affairs of the State Penitentiary, for appointment of.. 63

Special Committee on Political Disabilities, appointment of... 143

Special Committee appointed to consider declaration creating county of San Jacinto.................................. 656

Special Committee to inquire into conduct of Long and Johnson, report of..687, 688

Special Committee on Sale of Railroads.................. 692

PAGE.

Special Committee on Memphis and El Paso Railroad, appointed. 763

Special Committee on Railroads, report of 769, 770

Special Committee on Governor Pease's declaration to lease penitentiary, report of 782, 784

Select Committee on Railroads, report acted upon.........790, 792

Special Committee to investigate financial condition of penitentiary.. 803, 809

Special committee appointed to inquire into the murder of Martin D. Hart, report of.......................... 829

Special committee, report of, upon petition of John Jackson. 863, 864

Special committee, report of, upon petition of citizens of Polk county for creation of county of San Jacinto........ 869, 870

Special committee, report of, respecting debates and speeches written out by reporter.............................. 885

Special committee on Memphis and El Paso Railroad Company, report acted upon..................... 893, 894, 895

Special committee upon murder of Martin D. Hart, report of 900 to 902

Standing Committees of the Convention.................. 25

Statement of funds on hand in the State treasury on the thirty-first day of May, 1868.......................... 27

State Legislatures since 1861, declaration respecting........ 28

State of Texas, declaration to divide....................... 136

State asylums, committee appointed to visit................ 812

Stockbridge, resolution rescinding rule of Convention which prohibits members from speaking more that thirty minutes 555

PAGE.
Stockbridge, declaration respecting account of M. K. Rion... 742

Story, W. R., report upon petition of.................... 55

Suffrage, resolution respecting.......................... 125

Sumner, resolution authorizing Secretary to furnish the Daily Austin Republican.............................. 28

Sumner, resolution respecting University lands............. 397

Sumner, resolution for appointment of committee respecting employes of Convention............................ 474

Sumner, resolution restricting speeches to thirty minutes..... 210

Sumner, resolution respecting pages and messengers in employ of Convention.................................. 108

Sumner, resolution respecting mail matter.................. 571

Sumner, resolution that Enrolling Clerk act for Committee on Millican riot................................. 594

Sumner, declaration respecting threats and intimidation against persons using the right to vote..................... 743

Sunday laws, declaration for repeal of................813, 814

Superintendent of Education, publication of report of...... 73

T.

Talbot, J. W., resolution calling upon the Governor for information from General Land Office.................. 43

Talbot, J. W., resolution for publishing report of Superintendent of Education.............................. 73

Talbot, J. W., report from Committee on Education.....265, 266

PAGE.

Talbot, J. W., report from Committee on Education upon resolution of J. Schuetze 413

Talbot, J. W., report from Committee on Education....482 to 486

Talbot, J. W., report from Committee on Education....609 to 614

Talbot, J. W., declaration for the investment of school fund in United States bonds 873

Talbot, J. W., resolution requesting newspapers, that publish Constitution, to publish project for common school system. 891

Talbot, J. W., declaration respecting the Central Railroad Company ....922 to 924

Taxes, respecting........................ 74

Taxes, relating to, accruing on real estate........................ 75

Taxes, for collection of unpaid........................ 81

Taxes, the assessment of, in each county for 1867......316 to 346

Taxes, cost of collection........................ 347

Taxes, licenses and occupations, for 1867............386 to 389

Taxes assessed for the year 1867........................ 390

Telegram from Commanding General, appropriating one hundred thousand dollars for pay of Convention.......... 232

Temporary Chairman of Convention........................ 3

Temporary organization........................ 3

Temporary Secretary of Convention........................ 3

Texas, soldiers of, resolution of gratitude........................ 75

Texas and New Orleans Railroad, declaration for sale of. 279 to 282

PAGE.
Texas and New Orleans Railroad, declaration for sale of..439 to 442

Thomas, J. W., resolution providing that the President administer the oath of office.......................... 22

Thomas, J. W., report from Committee on Printing.......... 39

Thomas, J. W., minority report from Committee on Printing, in relation to newspapers.......................... 39

Thomas, J. W., report from Committee on Printing, relating to publication of debates of Convention. 78

Thomas, J. W., resolution respecting Constitution of 1845.... 75

Thomas, J. W., report from Committee on Printing, respecting Reconstruction Acts................ 78

Thomas, J. W., report upon Mr. Boyd's resolution in relation to delegates receiving pay for newspapers not taken..... 79

Thomas, J. W., report from Committee on Printing respecting purchase of maps........................ 112

Thomas, J. W., petition from citizens of Denton, Cook and Grayson, asking formation of new county............. 155

Thomas, J. W., resolution respecting Constitution of 1860... 185

Thomas, J. W., resolution relating to newspapers taken by the Convention.. 221

Thomas, J. W., motion to take up resolution to discontinue newspapers, action thereon..........................248 to 250

Thomas, J. W., resolution providing for discontinuing of newspapers, action thereon..........................252 to 254

Thomas, J. W., report from Committee on Printing, respecting Austin Republican and San Antonio Free Press....... 263

Thomas, J. W., resolution providing that the question of

PAGE.

division of the State shall be only entertained by authority of Congress, action upon..................391 to 394

Thomas, J. W., resolution respecting division of the State, action thereon..............................403, 404, 405

Thomas, J. W., resolution providing that the question of division of the State should be entertained by Convention, action thereon.................................409 to 411

Thomas, J. W., resolution appropriating $500 to pay expenses of telegrams.. 488

Thomas, J. W., of Collin, resolution providing that Convention establish no new counties, in certain cases.........592, 593

Thomas, J. W., excused from serving on Millican Riot Committee.. 594

Thomas, J. W., resolution respecting per diem pay of absent members...659, 660

Thomas, J. W., resolution altering sessions of Convention.... 644

Thomas, J. W., petition from citizens of Kaufman, Collin, Dallas and Hunt counties, asking formation of new county.. 627

Thomas, J. W., of Collin, resolution providing that the Constitution of 1845 be the Constitution of Texas.......735, 736

Thomas, J. W., resolution discontinuing newspapers during the recess... 940

Thomas, J. W., declaration granting land to Africans and their descendants... 940

Towns and counties, respecting names of................... 127

Treasurer, communication from.............................. 26

Treasurer's report, 200 copies to be printed.............. 28

Treasurer, report from as to political status of employes in office.. 461

PAGE.
Tunstall, W. V., elected Secretary.......................... 4

U.

University lands, resolution respecting.................... 397

United States bonds, five per cent., information respecting asked for.. 488

United States soldiers, from Texas, action upon report of Committee on Federal Relations, granting lands to......845, 847

V.

Varnell, resolution prohibiting the sale of liquors within a certain distance of seminaries.............. 246

Varnell, protest against postponing consideration of report of Committee on General Provisions.................. 250

Varnell, resolution defining the qualification of legislators.... 251

Varnell, resolution protecting from forced sale wife's separate property.. 555

Varnell, Committee on Apportionment, report from.....642, 643

Varnell, report from Committee on Apportionment.......... 825

Vaughan, F. A., report from Committee on Printing........ 39

Vaughan, F. A., report from Committee on Printing........ 49

Vaughan, F. A., resolution appropriating $100,000 to pay bounty to soldiers of First and Second Texas U. S. Volunteers... 173

Vaughan, F. A., resolution relating to railroad charters...... 307

Vaughan, F. A., declaration authorizing police court of Guadalupe to levy special tax............................ 736

PAGE.

Vote, plurality to elect.................................. 6

Vote, adopting oath of office, reconsidered.................. 24

W.

Waldron, T. H., appointed Enrolling Clerk................. 924

Warrants, drawn by Comptroller, from September 4, 1867, to May 1, 1868.................................358, 363

Watrous, declaration providing qualifications for holding office.. 308

Watrous, resolution providing that no person, on account of color, etc., shall be excluded from office 488

Wheelock, E. M., Superintendent of Education, report of.... 65

Whitmore, G. W., temporary chairman.................... 3

Whitmore, G. W., substitute to minority report upon forced sales by sheriffs.................................... 118

Whitmore, G. W., reports from Committee on Finance 132

Whitmore, G. W., report from Committee on Finance upon resolution to discharge reporter and discontinue newspapers 261

Whitmore, G. W., report from Committee on General Provisions upon sundry resolutions 303, 304

Whitmore, G. W., report from Committee on Finance upon petition of S. B. Buckley............................ 448

Whitmore, G. W., reports from Committee on Finance upon certain resolutions 471, 472

Whitmore, G. W., resolution asking information from Governor E. M. Pease respecting United States five per cent. bonds 488

PAGE.

Whitmore, G. W., report from Committee on Lawlessness and Violence .... 500 to 505

Whitmore, G. W., resolution asking that Congress send a committee to inquire into condition of State 506, 507

Whitmore, G. W., report from Committee on General Provisions respecting divorce for H. Rodefeld 531

Whitmore, G. W., report from Committee on General Provisions, reporting new sections to Constitution 531, 532

Whitmore, G. W., report from Committee on General Provisions, upon certain resolutions 533

Whitmore, G. W., reports from Committee on Finance upon certain resolutions .... 615 to 618

Whitmore, G. W., report from Committee on General Provisions upon declaration of Watrous of Washington 714

Whitmore, G. W., report from Committee on General Provisions recommending additional sections 715

Whitmore, G. W., report from Committee on Finance recommending payment of J. C. [illegible] 741

Whitmore, G. W., [illegible] Committee on General Provi- [illegible]

[illegible]

PAGE.
Willis, H., elected Second Assistant Sergeant-at-Arms...... 7

Wilson of Brazoria, resolution instructing Committee on Printing to contract for publication of debates.............. 76

Wilson of Brazoria, resolution respecting the rights of debtor to redeem property.. 136

Wilson of Brazoria, declaration providing the debtors may redeem property sold.............................. 657

Wilson of Brazoria, declaration for levying a special tax to build bridges, roads, etc.......................... 743

Wright added to Committee on Internal Improvements 33

Wright, resolution for appointment of committee to inquire as to number of clerks in Land Office 506

Wright, resolution respecting report of Committee on Education..................................... 682

Y.

[illegible] 43

[illegible] .. 111

[illegible]

[illegible]